



Journal of the House

State of Indiana

112th General Assembly

Second Regular Session

Twenty-eighth Meeting Day

Wednesday Morning

March 13, 2002

The House convened at 10:00 a.m. with the Speaker in the Chair.

The invocation was offered by Reverend Bruce Barkhauer, First Christian Church, Jeffersonville, the guest of Representative James L. Bottorff.

The Pledge of Allegiance to the Flag was led by Representative Bottorff.

The Speaker ordered the roll of the House to be called:

T. Adams	Hoffman
Aguilera	Kersey
Alderman	Klinker
Atterholt	Kromkowski ☐
Avery	Kruse
Ayres	Kruzan
Bardon	Kuzman
Bauer	Lawson
Becker	Leuck
Behning	Liggett
Bischoff	J. Lutz
Bodiker	Lytle
Borror	Mahern
Bosma	Mangus
Bottorff	McClain
C. Brown	Mock
T. Brown	Moses
Buck	Munson
Budak	Murphy
Buell	Noe
Burton	Oxley
Cheney	Pelath
Cherry	Pond
Cochran	Porter
Cook	Reske
Crawford	Richardson
Crooks	Ripley
Crosby	Robertson
Day	Ruppel
Denbo	Saunders
Dickinson	Scholer
Dillon ☐	M. Smith
Dobis	V. Smith
Dumezich	Steele
Duncan	Stevenson
Dvorak	Stilwell
Espich	Sturtz
Foley	Summers
Frenz	Thompson
Friend	Tincher
Frizzell	Torr
Fry	Turner
GiaQuinta	Ulmer
Goodin	Weinzapfel
Grubb	Welch
Harris	Whetstone
Hasler	Wolkins
Herndon	D. Young
Herrell	Yount
Hinkle	Mr. Speaker

Roll Call 353: 98 present; 2 excused. The Speaker announced a quorum in attendance. [NOTE: ☐ indicates those who were excused.]

MESSAGE FROM THE GOVERNOR

Mr. Speaker and Members of the House: On March 12, 2002, I signed into law House Enrolled Act 1233.

FRANK O'BANNON
Governor

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the President Pro Tempore of the Senate has appointed the following Senators a conference committee to confer on Engrossed House Bill 1108:

Conferees: Lubbers and Breaux
Advisors: Wheeler and Rogers

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the President Pro Tempore of the Senate has appointed the following Senators a conference committee to confer on Engrossed House Bill 1133:

Advisors: Kenley and Simpson

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the President Pro Tempore of the Senate has appointed the following Senators a conference committee to confer on Engrossed House Bill 1232:

Conferees: Clark and R. Young

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the President Pro Tempore of the Senate has appointed the following Senators a conference committee to confer on Engrossed House Bill 1273:

Conferees: Lubbers and Rogers
Advisors: Kenley and Simpson

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the President Pro Tempore of the Senate has appointed the following Senators a conference committee to confer on Engrossed House Bill 1317:

Conferees: R. Meeks and Simpson
Advisors: Riegsecker and Hume

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the President Pro Tempore of the Senate has appointed the following

Senators a conference committee to confer on Engrossed House Bill 1346:

Conferees: Miller and Craycraft

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the President Pro Tempore of the Senate has appointed the following Senators a conference committee to confer on Engrossed House Joint Resolution 2:

Conferees: Ford and Broden

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has concurred in the House amendments to Engrossed Senate Bill 77.

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that pursuant to Rule 81(c) of the Standing Rules and Orders of the Senate, President Pro Tempore Robert D. Garton has made the following change in conferees appointments to Engrossed Senate Bill 29:

Conferees: Hume replacing Lanane

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has not concurred in House amendments to Engrossed Senate Bill 217 and the President Pro Tempore has appointed the following Senators a conference committee to meet and confer with a like committee of the House on said bill, and to report thereon:

Advisors: Riegsecker and Sipes

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has not concurred in House amendments to Engrossed Senate Bill 315 and the President Pro Tempore has appointed the following Senators a conference committee to meet and confer with a like committee of the House on said bill, and to report thereon:

Conferees: Clark, Chair; and Alexa

Advisors: Bray and Broden

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has accepted and approved the Joint Rule 20 correction on Engrossed House Bills 1013, 1029, 1171, and 1283.

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has accepted and approved the Joint Rule 20 correction on Engrossed Senate Bills 175, 178, 258, 293, and 357.

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed House Concurrent Resolutions 51 and 52 and the same are herewith returned to the House.

MARY C. MENDEL
Principal Secretary of the Senate

CONFEREES AND ADVISORS APPOINTED

The Speaker announced the following changes in appointment of Representatives as conferees and advisors:

ESB 367 Advisors: Crosby, Dvorak, and Foley

CONFERENCE COMMITTEE REPORTS

CONFERENCE COMMITTEE REPORT
ESB 248-1; filed March 11, 2002, at 4:39 p.m.

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed House Amendments to Engrossed Senate Bill 248 respectfully reports that said two committee have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Page 1, delete lines 1 through 17.

Delete pages 2 through 3.

Page 4, delete lines 1 through 32.

Renumber all SECTIONS consecutively.

(Reference is to ESB 248 as reprinted February 26, 2002.)

BRAY	STURTZ
ALEXA	FOLEY
Senate Conferees	House Conferees

The conference committee report was filed and read a first time.

CONFERENCE COMMITTEE REPORT
ESB 343-1; filed March 11, 2002, at 4:39 p.m.

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed House Amendments to Engrossed Senate Bill 343 respectfully reports that said two committee have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Page 7, line 39, after "court" insert "**after a hearing**".

(Reference is to ESB 343 as reprinted February 22, 2002.)

WYSS	DVORAK
ALEXA	ULMER
Senate Conferees	House Conferees

The conference committee report was filed and read a first time.

CONFERENCE COMMITTEE REPORT
ESB 461-1; filed March 11, 2002, at 5:01 p.m.

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed House Amendments to Engrossed Senate Bill 461 respectfully reports that said two committee have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 6-2.1-3-33 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 33. Gross income received by:

- (1) a conservancy district established under IC 14-33-20 or under IC 13-3-4 (before its repeal);
- (2) a regional water, sewage, or solid waste district established under IC 13-26 or IC 13-3-2 (before its repeal);

- (3) a nonprofit corporation formed solely for the purpose of supplying water to the public;
- (4) a county solid waste management district or a joint solid waste management district established under IC 13-21 or IC 13-9.5-2 (before its repeal); or
- (5) a nonprofit corporation formed for the purpose of providing a combination of:

- (A) water; and
 - (B) sewer and sewage service;
- to the public; or

(6) a county onsite waste management district established under IC 36-11;

is exempt from the gross income tax."

Page 1, delete lines 15 through 17.

Page 2, delete line 1.

Page 2, line 19, delete "The" and insert **"In a county onsite waste management district established under IC 36-11 that performs all the functions related to onsite waste management listed in IC 36-11-2-1, the"**.

Page 2, line 22, delete "failed".

Page 2, line 22, after "system" insert **"that fails to meet public health and environmental standards"**.

Page 2, delete lines 23 through 27.

Page 2, line 28, delete "(2)" and insert **"(1)"**.

Page 2, line 28, delete "a local ordinance" and insert **"procedural rules"**.

Page 2, line 36, delete "(3)" and insert **"(2)"**.

Page 3, line 11, delete "failed".

Page 3, line 11, after "system" insert **"that fails to meet public health and environmental standards"**.

Page 3, line 17, delete "failed".

Page 3, line 17, after "system" insert **"that fails to meet public health and environmental standards"**.

Page 3, line 20, delete "(4)" and insert **"(3)"**.

Page 3, between lines 21 and 22, begin a new line double block indented and insert:

"(A) there is not a sanitary sewer connection available;

(B) the sanitary sewer operator refuses connection; or".

Page 3, line 22, delete "(A)" and insert **"(C)"**.

Page 3, line 26, delete "sewer; or" and insert **"sewer."**.

Page 3, delete lines 27 through 42.

Page 4, delete lines 1 through 14.

Page 4, line 17, delete "For purposes of".

Page 4, line 18, delete "IC 16-19-3, "onsite" and insert **"Onsite"**.

Page 4, line 19, delete "system", and insert **"system", for purposes of IC 16-19-3,"**.

Page 4, delete lines 27 through 37, begin a new line block indented and insert:

"(1) study the use of:

- (A) effluent filters;**
- (B) recirculation media filters;**
- (C) aeration treatment units;**
- (D) drip irrigation;**
- (E) graveless trenches; and**
- (F) new technologies;**

for residential septic systems that will cause systems to perform satisfactorily as alternatives to currently operating systems that do not perform satisfactorily because of soil characteristics, lot sizes, topographical conditions, or high water tables; and

(2) take all actions necessary to develop plans and specifications for use of the technologies listed in subdivision (1) in residential septic systems."

Page 4, line 41, after "(a);" insert **"and"**.

Page 4, delete line 42.

Page 5, delete line 1.

Page 5, line 2, delete "(3)" and insert **"(2)"**.

Page 5, line 9, delete "that:" and insert **"that comply with IC 13-18-12-9."**

Page 5, delete lines 10 through 12, begin a new paragraph and insert:

"SECTION 7. IC 36-11 IS ADDED TO THE INDIANA CODE AS A NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]:

ARTICLE 11. COUNTY ONSITE WASTE MANAGEMENT DISTRICTS

Chapter 1. Definitions and Applicability

Sec. 1. The definitions in this chapter apply throughout this article.

Sec. 2. "District" means a county onsite waste management district established under this article.

Sec. 3. "Governing body" means the county executive of the county in which the district is located or proposed to be located.

Sec. 4. "System" means a sewage disposal system (as defined in IC 13-11-2-201).

Chapter 2. Purposes of Districts

Sec. 1. A district may be established under this article to perform one (1) or more of the following functions related to onsite waste management:

- (1) Inventory of systems.
- (2) Inspection of systems.
- (3) Monitoring the:
 - (A) performance; and
 - (B) maintenance;
 of systems.
- (4) Establishing:
 - (A) standards for installation and inspection of systems that are no less stringent than standards established by the state department of health; and
 - (B) procedures for enforcement of the standards.
- (5) Seeking grants for:
 - (A) system maintenance; and
 - (B) any other activities described in this article.
- (6) Establishing rates and charges for the operation of the district.
- (7) Establishing policies and procedures for the use of grants and other revenue of the district for installation, maintenance, and other activities of the district relating to systems in the district.
- (8) Seeking solutions for disposal of septage from systems.
- (9) Education and training of system service providers and system owners.
- (10) Coordination of activities of the district with activities of:
 - (A) local health departments;
 - (B) the department of environmental management;
 - (C) the department of natural resources; and
 - (D) the state department of health.
- (11) Other functions as determined by the governing body of the district.

Enforcement of standards by a district under subdivision (4) does not affect the authority of the department of environmental management, the state department of health, or a local health department.

Chapter 3. Establishment or Dissolution of Districts

Sec. 1. (a) The establishment of a district may be initiated only by the governing body.

(b) The dissolution of a district may be initiated only by the governing body.

(c) A notice of intent to establish or dissolve a district must be filed in:

- (1) the office of the executive of each governmental entity having territory within the proposed district or the district proposed for dissolution;
- (2) the department of environmental management; and
- (3) the state department of health.

Sec. 2. A notice of intent to establish a district under this chapter must state the following:

- (1) The proposed name of the district.
- (2) The place in which the district's principal office is to be located.
- (3) The following information:
 - (A) The need for the proposed district.

(B) The purpose to be accomplished.

(C) How the district will be conducive to the public health, safety, convenience, or welfare.

(4) An accurate description of the territory to be included in the district, which does not have to be given by metes and bounds or by legal subdivisions.

(5) The plan for financing the cost of the operations of the district until the district is in receipt of revenue from its operations.

(6) Estimates of the following:

(A) The costs of accomplishing the purpose of the district.

(B) The sources of the funding of those costs.

(C) The rates and charges that will be required.

Sec. 3. A notice of intent to dissolve a district under this chapter must state the reasons why the district is not needed.

Sec. 4. The district may include area that is not contiguous, but the territory must be so situated that the public health, safety, convenience, or welfare will be promoted by the establishment of the area described as a single district.

Sec. 5. (a) Except as provided in subsection (b), the description of the area to be included in a district may not include a municipality.

(b) The description of the area to be included in a district may include area located within a municipality if the municipal legislative body has adopted an ordinance or resolution designating that area to be included in the district.

(c) The governing body shall:

(1) identify any area located within a municipality in the county that the governing body believes should be part of the area of the district; and

(2) request that the municipality adopt an ordinance or resolution under subsection (b) to include the area identified under subdivision (1) in the district.

(d) A municipal legislative body that has previously adopted an ordinance or resolution under subsection (b) may adopt an ordinance or resolution to exclude from the district all or part of the area previously designated for inclusion in the district.

Sec. 6. Upon the filing of a notice of intent to establish or dissolve a district under this chapter, the governing body shall appoint a hearing officer to preside over public hearings concerning the establishment or dissolution of a district. The hearing officer does not have to be a state or county employee and may not be a member of the county legislative body. If the hearing officer is not a full-time state or county employee, the hearing officer is entitled to be paid reasonable:

(1) expenses; and

(2) per diem;

for each day or part of a day in actual attendance at a meeting or hearing or in performance of duties.

Sec. 7. (a) The hearing officer shall fix a date, time, and place inside or within ten (10) miles of the proposed district for the hearing on any matter for which a hearing is authorized under this chapter.

(b) The hearing officer shall provide notice of the hearing:

(1) under IC 5-3-1; and

(2) by certified mail, return receipt requested, mailed at least two (2) weeks before the hearing to:

(A) the department of environmental management; and

(B) the state department of health.

Sec. 8. A person that resides in or partially resides in an area affected by the proposed establishment or dissolution of a district:

(1) may, on or before the date set for the hearing, file a written objection to the proposed establishment or dissolution of the district; and

(2) may be heard at the hearing.

Sec. 9. (a) After the hearing on the proposed establishment or dissolution of the district, which may be adjourned periodically, the hearing officer shall make findings and recommendations as to whether:

(1) the establishment of the district should be:

(A) approved;

(B) approved with modifications; or

(C) denied; or

(2) the dissolution of the district should be:

(A) approved; or

(B) denied.

(b) The hearing officer shall consider, at a minimum, the following in making findings and recommendations concerning the establishment of a proposed district:

(1) Whether the proposed district complies with the conditions of this chapter for establishment of a district.

(2) Whether the proposed district appears capable of accomplishing its purpose or purposes in an economically feasible manner.

(c) The hearing officer shall consider, at a minimum, whether the district is needed in making findings and recommendations concerning the proposed dissolution of a district.

Sec. 10. Following a hearing under this chapter, if the governing body determines that the findings of the hearing officer show that:

(1) the proposed district appears capable of accomplishing the purpose or purposes of the district in an economically feasible manner, a district may be established; or

(2) there is no need for the district, the district may be dissolved;

by adoption of an ordinance by the governing body. The governing body shall give notice by mail of the adoption of an ordinance to establish a district to each person who filed a written objection under section 8 of this chapter.

Sec. 11. The district shall provide notice of the adoption of an ordinance under section 10 of this chapter to:

(1) local health departments;

(2) the department of environmental management;

(3) the department of natural resources; and

(4) the state department of health.

Sec. 12. A district established under this chapter is not an independent municipal corporation.

Sec. 13. An ordinance adopted under section 10 of this chapter to establish a district must state the following:

(1) The name of the district.

(2) The need for the district.

(3) The purpose to be accomplished by the district.

(4) An accurate description of the territory included in the district, which does not have to be given by metes and bounds or by legal subdivisions.

(5) Estimates of the costs of the operations of the district.

(6) The plan for financing the cost of the operations of the district by the county or counties in which the district is located.

Sec. 14. (a) If the governing body adopts an ordinance under section 10 of this chapter to establish a district, a person who filed a written objection under section 8 of this chapter against the establishment of the district may file an objecting petition in the office of the county auditor. The petition must be filed not more than thirty (30) days after the date the notice of the adoption of the ordinance is mailed to the person under section 8 of this chapter. The petition must state the person's objections and the reasons why the person believes the establishment of the district is unnecessary or unwise.

(b) The county auditor shall immediately certify a copy of the petition, together with other data necessary to present the questions involved, to the county legislative body. Upon receipt of the certified petition and other data, the county legislative body shall fix a time and place for the hearing of the matter. The hearing shall be held not less than five (5) days and not more than thirty (30) days after the receipt of the certified documents.

(c) The hearing shall be held in the county where the petition arose.

(d) The county legislative body shall give notice of the hearing to the petitioner and the governing body by mail at least five (5) days before the date of the hearing. After the hearing, the county legislative body shall approve or deny the establishment of the

district. The decision by the county legislative body:

- (1) is final with respect to the establishment of the district against which the objecting petition was filed; and
- (2) does not limit the authority of the governing body to initiate new proceedings to establish a district.

Chapter 4. Governing Body of a District

Sec. 1. The governing body of a district may take action by adoption of an ordinance.

Chapter 5. Powers and Duties of Districts

Sec. 1. Upon establishment of the district, the district may exercise all the rights, powers, and duties conferred upon the district by this article.

Sec. 2. A district may do the following:

- (1) Make contracts for the services necessary for the operations of the district, including management of the district by any public or private entity.
- (2) Adopt, amend, and repeal bylaws for the administration of the district's affairs.
- (3) Fix, alter, charge, and collect reasonable rates and other charges, to be imposed by the governing body, in the area served by the district with respect to every person whose premises are, whether directly or indirectly, served by the district, for the following purposes:
 - (A) To fulfill the terms of contracts made by the district.
 - (B) To pay the other expenses of the district.
- (4) Refuse the services of the district if the rates and other charges are not paid by the user.
- (5) Control and supervise all licenses, money, contracts, accounts, books, records, maps, or other property rights and interests conveyed, delivered, transferred, or assigned to the district.
- (6) Make provision for, contract for, or sell the district's byproducts or waste.
- (7) Adopt and enforce rules:
 - (A) to establish procedures for the governing body's actions; or
 - (B) for any other lawful subject necessary to the operation of the district and the exercise of the power granted.

Sec. 3. A district may make contracts or incur obligations only if the contracts or obligations are payable solely from:

- (1) revenue the district is permitted to raise under this article; or
- (2) federal, state, or other grants or contributions.

Sec. 4. (a) Except as provided in subsection (b), a district may not make expenditures or take any other action for the benefit of a property served by a system if there is an available sanitary sewer within three hundred (300) feet of the property line.

(b) A district may make expenditures or take other action for the benefit of a property referred to in subsection (a) if the sanitary system operator refuses connection.

Chapter 6. District Plan

Sec. 1. A district plan for the operation of the district must include:

- (1) a detailed statement of the activities under IC 13-26.5-2-1 that the district plans to undertake; and
- (2) a timetable for the activities under subdivision (1).

Chapter 7. Payment of District Expenses

Sec. 1. Each district must keep proper records showing the district's finances.

Sec. 2. A local, state, or federal agency or person may advance or give a district money to be used by the district for the following purposes:

- (1) The preparation of a plan for the operation of the district.
- (2) Other purposes of the district until the district is in receipt of revenue from its operations or from the county in which the district is located.

Sec. 3. When a district receives revenue from its operations or from the county in which the district is located, the district shall repay any money advanced to the advancing agency in the manner agreed.

Sec. 4. The governing body of a district may provide for the use of revenue of the county for operation of the district.

Chapter 8. Territorial Authority of Sewage Disposal Companies

Sec. 1. This article does not limit the following:

- (1) The formation and operation under IC 8-1-2-89 of a sewage disposal company to provide sewage disposal service to an area within a district.
- (2) The granting of a certificate of territorial authority under IC 8-1-2-89 encompassing a part of the area within the district.

Chapter 9. Rates and Charges

Sec. 1. (a) Except as provided in subsection (b), the governing body may determine and impose rates and charges of the district based on the following:

- (1) A flat charge for each system.
- (2) Variable charges based on the capacity of a system.
- (3) Other factors that the governing body determines are necessary to establish just and equitable rates and charges.

(b) In:

- (1) a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000); and
- (2) a county having a population of more than two hundred thousand (200,000) but less than three hundred thousand (300,000);

rates and charges may be imposed or changed under this chapter only after approval by the county legislative body.

Sec. 2. Unless the governing body finds and directs otherwise, the district is considered to benefit every:

- (1) lot;
- (2) parcel of land; or
- (3) building;

served by a system. The rates or charges shall be billed and collected accordingly.

Sec. 3. (a) Just and equitable rates and charges are those that produce sufficient revenue to pay all expenses incidental to the operation of the district.

(b) Rates and charges too low to meet the financial requirements described in subsection (a) are unlawful.

Sec. 4. The governing body shall establish the rates and charges after a public hearing at which all:

- (1) the owners of systems; and
- (2) others interested;

have an opportunity to be heard concerning the proposed rates and charges.

Sec. 5. After introduction of the ordinance initially fixing rates and charges but before the ordinance is finally adopted, notice of the hearing setting forth the proposed schedule of the rates and charges must be given by publication one (1) time each week for two (2) weeks in a newspaper of general circulation in the county. The last publication must be at least seven (7) days before the date fixed in the notice for the hearing. The hearing may be adjourned as necessary.

Sec. 6. (a) The ordinance establishing the initial rates and charges, either as:

- (1) originally introduced; or
- (2) modified and amended;

shall be passed and put into effect after the hearing. However, the governing body must approve any modification or amendment of the rates and charges.

(b) A copy of the schedule of the rates and charges established must be:

- (1) kept on file in the office of the district; and
- (2) open to public inspection.

Sec. 7. A change of the rates and charges may be made in the same manner as the rates and charges were originally established.

Chapter 10. Liens for Rates and Charges

Sec. 1. The rates and charges made, assessed, or established under this article against:

- (1) a lot;

(2) a parcel of land; or
 (3) a building;
 that is served by the district are a lien against the lot, parcel of land, or building.

Sec. 2. Except as provided in section 5 of this chapter, a lien attaches on the date the rates and charges become sixty (60) days delinquent. The lien:

- (1) is superior to and takes precedence over all other liens except a lien for taxes; and
- (2) shall be enforced under this article.

Sec. 3. If rates and charges are not paid within the time fixed by the governing body, the rates and charges become delinquent, and a penalty of ten percent (10%) of the amount of the rates and charges attaches to the rates and charges. The governing body may recover:

- (1) the amount due;
- (2) the penalty; and
- (3) reasonable attorney's fees;

in a civil action in the name of the district.

Sec. 4. The rates and charges, together with the penalty, are collectible in the manner provided by this article.

Sec. 5. (a) A rate or charge is not enforceable as a lien against a subsequent owner of property unless the lien for the rate or charge was recorded with the county recorder before the conveyance to the subsequent owner.

(b) If the property is conveyed before the lien can be filed, the officer of the district who is charged with the collection of the rate or charge shall notify the person who owned the property at the time the fee became payable. The notice must inform the person that payment, including penalty fees for delinquencies, is due not less than fifteen (15) days after the date of the notice. If payment is not received within one hundred eighty (180) days after the date of the notice, the amount due may be expensed as a bad debt loss.

Sec. 6. (a) The district shall release:

- (1) liens filed with the county recorder after the recorded date of conveyance of the property; and
- (2) delinquent fees incurred by the seller;

upon receipt of a verified demand in writing from the purchaser.

(b) The demand must state the following:

- (1) That the delinquent fees were not incurred by the purchaser as a user, lessee, or previous owner.
- (2) That the purchaser has not been paid by the seller for the delinquent fees.

Chapter 11. Enforcement of Delinquencies

Sec. 1. This chapter applies only to fees or penalties that have been due and unpaid for at least ninety (90) days.

Sec. 2. A district may enforce delinquent fees and penalties in the manner described in IC 13-26-13."

Page 5, line 16, delete "IC 13-11-2-144.7;" and insert "IC 13-11-2-144.7, as added by this act;"

Page 5, line 24, delete "sewage, treated or" and insert "treated sewage".

Page 5, line 25, delete "untreated,".

Page 5, line 26, delete "failed".

Page 5, line 27, after "system" insert "that fails to meet public health and environmental standards".

Page 6, delete line 7.

Renumber all SECTIONS consecutively.

(Reference is to ESB 461 as reprinted February 26, 2002.)

LONG	HERRELL
BRODEN	BORROR
Senate Conferees	House Conferees

The conference committee report was filed and read a first time.

CONFERENCE COMMITTEE REPORT EHB 1161-1; filed March 11, 2002, at 5:03 p.m.

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed Senate Amendments to Engrossed House Bill 1161 respectfully reports that said two committee have conferred and agreed as follows to wit:

that the House recede from its dissent from all Senate amendments and that the House now concur in all Senate amendments to the bill and that the bill be further amended as follows:

Page 2, line 31, delete ",".

Page 2, line 38, delete "tuberculosis;" and insert "**tuberculosis in the United States;**".

(Reference is to EHB 1161 as printed February 20, 2002.)

WELCH	MILLER
BUDAK	BREAUX
House Conferees	Senate Conferees

The conference committee report was filed and read a first time.

CONFERENCE COMMITTEE REPORT ESB 100-1; filed March 12, 2002, at 10:08 a.m.

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed House Amendments to Engrossed Senate Bill 100 respectfully reports that said two committee have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Page 1, delete lines 1 through 17

Page 2, delete lines 1 through 41

Page 4, delete lines 29 through 31.

Renumber all SECTIONS consecutively.

(Reference is to ESB 100 as printed February 22, 2002.)

JACKMAN	GIA QUINTA
S. SMITH	CHERRY
Senate Conferees	House Conferees

The conference committee report was filed and read a first time.

CONFERENCE COMMITTEE REPORT ESB 399-1; filed March 12, 2002, at 12:21 p.m.

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed House Amendments to Engrossed Senate Bill 399 respectfully reports that said two committee have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Page 18, delete lines 16 through 39.

Page 19, delete lines 11 through 42.

Delete pages 20 through 24.

Page 25, delete lines 1 through 27.

Page 28, delete lines 35 through 42.

Delete pages 29 through 30.

Page 31, delete lines 1 through 10.

Page 32, delete lines 9 through 42.

Page 34, delete lines 31 through 42.

Delete pages 35 through 41.

Page 42, delete lines 1 through 8.

Page 72, line 28, after "IC 8-22-3.6-3" insert ", AS AMENDED BY SEA 357-2002,".

Page 72, line 35, delete "one hundred".

Page 72, delete line 36.

Page 72, line 37, delete "(107,000);".

Page 72, line 37, reset in roman "one hundred five thousand (105,000) but less than".

Page 72, run in lines 35 through 37.

Page 72, line 38, reset in roman "one hundred ten thousand (110,000);".

Page 73, line 34, delete "state" and insert "department of local government finance".

Page 73, line 35, delete "board of tax commissioners".

Page 73, line 36, delete "state board of tax commissioners" and insert "department of local government finance".

Page 73, line 39, delete "state board of tax commissioners" and insert "department of local government finance".

Page 74, line 2, delete "state board of tax" and insert "department of local government finance".

Page 74, line 3, delete "commissioners".

Page 74, line 26, delete "state board of tax commissioners" and insert "department of local government finance".

Page 74, line 28, delete "state board of tax" and insert "department of local government finance".

Page 74, delete line 29.

Page 75 delete lines 13 through 26.

Page 86, line 18, after "IC 12-29-2-2" insert ", AS AMENDED BY SEA 357-2002,".

Page 86, line 41, delete "state board of tax commissioners" and insert "department of local government finance".

Page 91, delete lines 20 through 42.

Page 92, delete lines 1 through 3.

Page 99, delete lines 41 through 42.

Page 100, delete lines 1 through 18.

Page 100, delete lines 33 through 42.

Delete page 101.

Page 102, delete lines 1 through 13.

Page 114, delete lines 26 through 42.

Delete pages 115 through 118.

Page 119, delete lines 1 through 28.

Page 131, line 31, strike "municipality" and insert "**city**".

Page 131, line 36, delete "(32,000) located in a county having a" and insert "**(32,000)**".

Page 131, delete line 37.

Page 131, line 38, delete "than seventy-four thousand (74,000)".

Page 131, run in lines 36 through 38.

Page 131, line 39, strike "municipality" and insert "**city**".

Page 131, line 40, strike "municipality;" and insert "**city**;".

Page 131, line 42, strike "municipality's" and insert "**city's**".

Page 132, line 9, strike "municipality" and insert "**city**".

Page 132, line 14, strike "municipality" and insert "**town**".

Page 132, line 24, strike "municipality" and insert "**city**".

Page 132, line 27, after "(33,000)" insert ".".

Page 132, line 27, strike "located in".

Page 132, line 28, strike "a county having a population of more than".

Page 132, line 30, delete "one hundred ten thousand (110,000) but less than".

Page 132, delete line 31.

Page 133, line 10, strike "municipality" and insert "**town**".

Page 169, delete lines 33 through 42.

Delete pages 170 through 171.

Page 172, delete lines 1 through 16.

Page 173, between lines 23 and 24, begin a new paragraph and insert:

"SECTION 182. [EFFECTIVE MARCH 1, 2002 (RETROACTIVE)] (a) As used in this SECTION, "noncode statute" has the meaning set forth in IC 1-1-4-5, as amended by this act.

(b) Notwithstanding any other bill enacted during the 2002 regular session of the Indiana general assembly, this SECTION applies to each SECTION of each bill enacted during the 2002 regular session of the Indiana general assembly that satisfies all the following:

(1) The SECTION amends a noncode statute or a provision of the Indiana Code.

(2) The SECTION takes effect before April 1, 2002.

(3) The SECTION contains an amendment to a population parameter.

(c) The amendment to a population parameter in a SECTION described in subsection (b) takes effect April 1, 2002, and the amendment to other provisions in a SECTION described in subsection (b) take effect as otherwise provided in the bill described in subsection (b).

SECTION 183. [EFFECTIVE JANUARY 1, 2002 (RETROACTIVE)] (a) As used in this SECTION, "noncode statute" has the meaning set forth in IC 1-1-4-5, as amended by this act.

(b) Notwithstanding any other bill enacted during the 2002 regular session of the Indiana general assembly, this SECTION applies to each SECTION of each bill enacted during the 2002

regular session of the Indiana general assembly that satisfies all the following:

(1) The SECTION enacts a noncode statute or a new provision of the Indiana Code.

(2) The SECTION takes effect before April 1, 2002.

(3) The SECTION contains a population parameter.

(c) Notwithstanding IC 1-1-3.5-3, as amended by this act, a population parameter in a SECTION described in subsection (b) refers to the population of the described political subdivisions as tabulated following the 2000 Decennial Census and delivered to the state by the United States Secretary of Commerce under 13 U.S.C. 141 and received by the governor during 2001."

Renumber all SECTIONS consecutively.

(Reference is to ESB 399 as reprinted February 27, 2002.)

LANDSKE	MAHERN
BREAUX	RICHARDSON
Senate Conferees	House Conferees

The conference committee report was filed and read a first time.

CONFERENCE COMMITTEE REPORT

ESB 509-1; filed March 12, 2002, at 12:22 p.m.

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed House Amendments to Engrossed Senate Bill 509 respectfully reports that said two committee have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Page 1, delete lines 1 through 6.

Page 1, line 11, delete "health care professional" and insert "**physician**".

Page 2, line 7, delete "health care professional" and insert "**physician**".

Page 2, line 11, delete "health care professional" and insert "**physician**".

Page 2, line 17, delete "health care professional" and insert "**physician**".

Page 2, line 30, delete "health care professional" and insert "**physician**".

Page 2, line 40, delete "health care professional" and insert "**physician**".

Page 3, line 11, delete "health care professional" and insert "**physician**".

Page 3, line 15, delete "health care professional" and insert "**physician**".

Renumber all SECTIONS consecutively.

(Reference is to ESB 509 as printed February 22, 2002.)

C. LAWSON	CRAWFORD
ROGERS	BUDAK
Senate Conferees	House Conferees

The conference committee report was filed and read a first time.

CONFERENCE COMMITTEE REPORT

ESB 99-1; filed March 12, 2002, at 2:34 p.m.

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed House Amendments to Engrossed Senate Bill 99 respectfully reports that said two committee have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Page 2, delete lines 4 through 42.

Delete page 3.

Page 4, delete lines 1 through 18.

Page 4, line 31, delete "as" and insert "**(as)**".

Page 4, line 32, delete "IC 13-11-2-201" and insert "**IC 13-11-2-201)**".

Page 4, line 40, after "performance;" insert "**and**".

Page 4, delete line 41.

Page 4, line 42, delete "(C)" and insert "**(B)**".

Page 5, line 12, delete "policy" and insert "**policies**".
 Page 5, line 28, delete "management or" and insert "**management**".

Page 5, line 28, delete "health." and insert "**health, or a local health department**".

Page 10, line 22, delete "A" and insert "**(a) Except as provided in subsection (b), a**".

Page 10, between lines 25 and 26, begin a new paragraph and insert:

"(b) A district may make expenditures or take other action for the benefit of a property referred to in subsection (a) if the sanitary system operator refuses connection."

Page 12, line 3, delete "users" and insert "**owners**".

Page 12, line 36, delete "The district shall record in the county recorder's office".

Page 12, delete line 37.

Page 12, line 38, delete "charges."

Page 12, run in lines 36 through 38.

Page 12, line 38, delete "sections 5 and 6" and insert "**section 5**".

Page 12, line 39, delete "at the time of the recording of the list." and insert "**on the date the rates and charges become sixty (60) days delinquent**".

Page 13, delete lines 24 through 32.

Page 13, line 33, delete "Sec. 7." and insert "**Sec. 6**".

Page 14, delete lines 6 through 41.

Renumber all SECTIONS consecutively.

(Reference is to ESB 99 as reprinted February 26, 2002.)

GARD	WEINZAPFEL
BRODEN	MANGUS
Senate Conferees	House Conferees

The conference committee report was filed and read a first time.

CONFERENCE COMMITTEE REPORT ESB 102-1; filed March 12, 2002, at 2:42 p.m.

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed House Amendments to Engrossed Senate Bill 102 respectfully reports that said two committee have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Replace the effective dates in SECTIONS 9 through 10 with "[EFFECTIVE JULY 1, 2002]".

Page 8, line 10, after "who" insert ", **after June 30, 2003**".

Page 14, line 37, delete "2003." and insert "**2004**".

Page 14, line 38, delete "2004." and insert "**2005**".

Page 15, line 1, delete "2002." and insert "**2003**".

Page 15, line 10, delete "2002." and insert "**2003**".

Page 15, line 21, delete "2003." and insert "**2004**".

Page 15, line 24, delete "2003." and insert "**2004**".

Page 15, line 27, delete "2003." and insert "**2004**".

Page 15, line 29, delete "2006." and insert "**2007**".

Page 15, line 41, delete "2005." and insert "**2006**".

Page 15, delete line 42.

Renumber all SECTIONS consecutively.

(Reference is to ESB 102 as printed February 22, 2002.)

R. MEEKS	MOSES
LEWIS	MANGUS
Senate Conferees	House Conferees

The conference committee report was filed and read a first time.

CONFERENCE COMMITTEE REPORT ESB 22-1; filed March 12, 2002, at 5:20 p.m.

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed House Amendments to Engrossed Senate Bill 22 respectfully reports that said two committee have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Page 1, delete lines 1 through 17.

Delete page 2.

Page 3, delete lines 1 through 39.

Page 6, delete lines 30 through 42.

Delete pages 7 through 8.

Renumber all SECTIONS consecutively.

(Reference is to ESB 22 as reprinted February 22, 2002.)

WHEELER	LYTLE
LEWIS	POND
Senate Conferees	House Conferees

The conference committee report was filed and read a first time.

CONFERENCE COMMITTEE REPORT ESB 417-1; filed March 12, 2002, at 5:20 p.m.

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed House Amendments to Engrossed Senate Bill 417 respectfully reports that said two committee have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Page 3, delete lines 23 through 42.

Page 4, delete lines 1 through 5.

Renumber all SECTIONS consecutively.

(Reference is to ESB 417 as printed February 22, 2002.)

WHEELER	LYTLE
LEWIS	POND
Senate Conferees	House Conferees

The conference committee report was filed and read a first time.

CONFERENCE COMMITTEE REPORT ESB 528-1; filed March 12, 2002, at 5:20 p.m.

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed House Amendments to Engrossed Senate Bill 528 respectfully reports that said two committee have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Page 2, line 6, delete "programs".

Page 2, line 6, reset in roman "and medical management programs negotiated under the".

Page 2, reset in roman line 7.

Page 2, line 8, reset in roman "care contractor".

Page 2, line 8, delete "claims submission requirements, and medical".

Page 2, delete lines 9 through 11.

Page 2, line 33, reset in roman "rates negotiated under".

Page 2, reset in roman lines 34 through 38.

Page 2, line 39, reset in roman "health care services program".

Page 2, line 39, delete "established Medicaid rates paid to".

Page 2, delete lines 40 through 41.

(Reference is to ESB 528 as reprinted February 26, 2002.)

MILLER	C. BROWN
ROGERS	BUDAK
Senate Conferees	House Conferees

The conference committee report was filed and read a first time.

CONFERENCE COMMITTEE REPORT EHJR 2-1; filed March 12, 2002, at 5:35 p.m.

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed Senate Amendments to Engrossed House Bill 2 respectfully reports that said two committee have conferred and agreed as follows to wit:

that the House recede from its dissent from all Senate amendments and that the House now concur in all Senate amendments to the bill and that the bill be further amended as follows:

Page 2, line 41, delete "The General Assembly may provide by", begin a new paragraph and insert:

"(f) An individual holding one (1) of the following offices shall discharge the powers and duties of the governor if the office of governor and the office of lieutenant governor are both vacant, in the order listed:

- (1) The speaker of the house of representatives.
- (2) The president pro tempore of the senate, if the office described in subdivision (1) is vacant.
- (3) The treasurer of state, if the offices described in subdivisions (1) and (2) are vacant.
- (4) The auditor of state, if the offices described in subdivisions (1) through (3) are vacant.
- (5) The secretary of state, if the offices described in subdivisions (1) through (4) are vacant.
- (6) The state superintendent of public instruction, if the offices described in subdivisions (1) through (5) are vacant.

(g) An individual's authority to discharge the governor's powers and duties under subsection (f) ends when the general assembly fills the office of governor under this section."

Page 2, delete line 42.

Delete page 3.

(Reference is to EHJR 2 as printed February 22, 2002.)

GRUBB	FORD
MURPHY	BRODEN
House Conferees	Senate Conferees

The conference committee report was filed and read a first time.

CONFERENCE COMMITTEE REPORT

ESB 488-1; filed March 13, 2002, at 8:55 a.m.

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed House Amendments to Engrossed Senate Bill 488 respectfully reports that said two committee have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Page 4, line 14, after "commissioner" insert "**or building inspector**".

Page 7, line 18, after "out" insert "**the duties of**".

Page 7, line 18, after "which" delete "duties".

Page 8, line 33, after "license," insert "**if applicable,**".

Page 9, line 41, delete "erection, construction,".

Page 10, line 2, delete "22-15-5-12." and insert "**22-15-5-12 or by a contractor licensed under IC 22-15-5-7.**".

Page 10, line 3, delete "erection, construction,".

Page 10, line 4, delete ",".

Page 10, line 42, delete "25-41-4-1" and insert "**22-15-5-11**".

Page 12, line 9, delete "by himself or" and insert "**alone**".

Page 12, line 10, delete "herself".

Page 12, line 13, delete "device" and insert "**devices**".

Page 12, line 29, delete "13" and insert "**16**".

Page 13, line 5, delete "licenses" and insert "**a license**".

Page 13, line 5, after "as" insert "**an**".

Page 13, line 5, delete "contractors," and insert "**contractor, an**".

Page 13, line 6, delete "mechanics, and" and insert "**mechanic, or an**".

Page 13, line 6, delete "inspectors" and insert "**inspector**".

Page 13, line 42, after "the license" insert "**on or**".

Page 14, line 1, delete "2," and insert "**1**".

Page 14, line 28, delete "11" and insert "**14**".

Page 17, line 7, delete "11" and insert "**14**".

Page 22, line 36, delete "applies only" and insert "**does not apply**".

Page 22, line 37, delete "who" and insert "**that**".

Page 22, line 37, after "is" insert "**not**".

Page 26, line 33, delete "(h)" and insert "**(j)**".

Page 27, line 25, after "revoke" insert ",".

Page 27, line 25, after "license" delete "or".

Page 27, line 26, delete "certificate".

Page 27, line 27, delete "or certificate".

Page 28, line 17, delete "4-21-5-4" and insert "**4-21.5-4**".

Page 30, line 21, delete "22-15-6-6(a)(9)" and insert

"22-12-6-6(a)(9)".

Page 31, line 18, delete "22-15-5-8(a)," and insert "22-15-5-11(a),".

(Reference is to ESB 488 as printed February 22, 2002.)

ALTING	TINCHER
BLADE	FRIEND
Senate Conferees	House Conferees

The conference committee report was filed and read a first time.

CONFERENCE COMMITTEE REPORT

ESB 222-1; filed March 13, 2002, at 8:56 a.m.

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed House Amendments to Engrossed Senate Bill 222 respectfully reports that said two committee have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Page 2, line 9, delete "with a value not".

Page 2, delete line 10.

Page 2, line 11, delete "year per person,".

Page 2, run in lines 9 and 11.

Page 2, line 41, delete ";" and insert ".".

Page 2, delete line 42.

Page 3, line 5, after "competent person" insert "**(including a person other than the health care provider exercising a durable power of attorney on behalf of the donor)**".

Page 3, line 22, after "addition," insert "**if the court finds that the person knowingly violated the requirements of subsection (b),**".

(Reference is to ESB 222 as reprinted February 20, 2002.)

MILLER	STURTZ
HOWARD	FRIZZELL
Senate Conferees	House Conferees

The conference committee report was filed and read a first time.

CONFERENCE COMMITTEE REPORT

ESB 367-1; filed March 13, 2002, at 8:57 a.m.

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed House Amendments to Engrossed Senate Bill 367 respectfully reports that said two committee have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Page 1, line 1, delete "P.L.272-2001," and insert "HEA 1202-2002, SECTION 1,".

Page 1, line 2, delete "SECTION 2, AND AS AMENDED BY P.L.228-2001, SECTION 2,".

Page 1, line 3, delete "AND CORRECTED".

Page 2, line 7, after "(9)" insert "is employed by an entity that seeks to enter into a contract with a public school (as defined in IC 20-10.1-1-2) or a non-public school (as defined in IC 20-10.1-1-3), if the subject of the request is expected to have direct, ongoing contract with school children within the scope of the subject's employment; (10)".

Page 2, line 11, delete "(10)" and insert "(11)".

Page 2, line 14, delete "(11)" and insert "(12)".

Page 2, line 16, delete "(12)" and insert "(13)".

Page 2, line 18, delete "(13)" and insert "(14)".

Page 2, line 29, reset in roman "sexual misconduct with a minor as a".

Page 2, line 29, after "or" insert "**Class**".

Page 2, line 29, reset in roman "felony".

Page 2, line 30, reset in roman "(IC 35-42-4-9)".

Page 2, line 31, reset in roman "(J)".

Page 2, line 41, reset in roman "any of".

Page 2, line 41, delete "purpose".

Page 2, line 42, delete "of".

Page 2, line 42, reset in roman "following purposes:".

Page 3, line 1, delete "and".

Page 3, line 1, reset in roman "with a state or local governmental".

Page 3, line 2, reset in roman "entity".

Page 9, line 2, after "resides." insert **"However, if an offender resides in a county having a consolidated city, the offender shall register with the police chief of the consolidated city."**

Page 9, line 7, after "vocation." insert **"However, an offender described in subsection (a)(2) who is employed or intends to be employed or to carry on a vocation in a consolidated city shall register with the police chief of the consolidated city."**

Page 9, line 9, after "county." insert **"However, if an offender is employed or intends to be employed or to carry on a vocation in a county containing a consolidated city and another county, the offender shall register with the police chief of the consolidated city and the sheriff of the other county."**

Page 9, line 13, after "student." insert **"However, if an offender described in subsection (a)(3) is enrolled or intends to be enrolled as a student in a county containing a consolidated city, the offender shall register with the police chief of the consolidated city."**

Page 9, line 15, after "located." insert **"However, if the offender owns real property in a county containing a consolidated city, the offender shall register with the police chief of the consolidated city."**

Page 9, line 18, after "sheriff" insert **"or police chief of a consolidated city"**.

Page 9, line 25, delete "sheriff," and insert **"sheriff or the police chief of a consolidated city,"**.

Page 9, line 26, after "sheriff" insert **"or police chief"**.

Page 9, line 30, after "sheriff" insert **"with whom an offender registers under this section"**.

Page 9, line 32, after "IC 36-2-13-5.5." insert **"The police chief of a consolidated city with whom an offender registers under this section shall make a photograph of the offender that complies with the requirements of IC 36-2-13-5.5 and transmit the photograph (and other identifying information required by IC 36-2-13-5.5) to the Indiana sheriffs' sex offender registry web site established under IC 36-2-13-5.5. Every time a sex offender submits a new registration form to the police chief of a consolidated city, but at least once per year, the police chief shall make a photograph of the sex offender that complies with the requirements of IC 36-2-13-5.5. The police chief of a consolidated city shall transmit the photograph and a copy of the registration form to the Indiana sheriffs' sex offender registry web site established under IC 36-2-13-5.5. The sheriff of a county containing a consolidated city shall provide the police chief of a consolidated city with all photographic and computer equipment necessary to enable the police chief of the consolidated city to transmit sex offender photographs (and other identifying information required by IC 36-2-13-5.5) to the Indiana sheriffs' sex offender registry web site established under IC 36-2-13-5.5. In addition, the sheriff of a county containing a consolidated city shall provide all funding for the county's financial obligation for the establishment and maintenance of the Indiana sheriff's sex offender registry web site established under IC 36-2-13-5.5."**

Page 9, line 34, after "sheriff" insert **"or police chief of a consolidated city"**.

Page 11, line 6, after "county" insert **"or the police chief having jurisdiction in the consolidated city"**.

Page 12, line 1, after "sheriff" insert **"or the police chief"**.

Page 12, line 5, after "sheriff" insert **"or the police chief"**.

Page 12, line 7, after "county" insert **"or the police chief of the consolidated city, if the county has a consolidated city,"**.

Page 12, line 10, after "sheriff" insert **"or the police chief"**.

Page 12, line 12, after "sheriff" insert **"or the police chief"**.

Page 12, line 21, after "sheriff" insert **"or the police chief of a consolidated city"**.

Page 12, line 27, after "sheriff" insert **"or the police chief of a consolidated city"**.

Page 12, line 29, after "Indiana" insert **"or the police chief of the consolidated city, if the county has a consolidated city,"**.

Page 12, line 32, after "sheriff" insert **"or the police chief of the consolidated city"**.

Page 12, line 34, after "sheriff" insert **"or the police chief of the consolidated city"**.

Page 12, line 37, after "sheriff" insert **"or police chief of a consolidated city"**.

Page 12, line 39, after "sheriff" insert **"or police chief of a consolidated city"**.

Page 13, line 6, after "sheriff" insert **"(or the police chief of a consolidated city)"**.

Page 13, line 11, after "sheriff" insert **"(or the police chief of a consolidated city)"**.

Page 13, line 25, after "sheriff" insert **"(or the police chief of a consolidated city)"**.

Page 13, line 38, after "sheriff" insert **"(or the police chief of a consolidated city)"**.

Page 14, line 6, after "sheriff" insert **"(or the police chief of a consolidated city)"**.

Page 15, line 33, after "county" insert **"(or the police chief of the consolidated city)"**.

Page 15, delete lines 39 through 42.

Delete pages 16 through 17.

Page 18, delete lines 1 through 28.

Page 19, line 42, after "sheriff" insert **"(or the police chief of a consolidated city)"**.

Page 20, delete lines 18 through 42.

Page 21, delete lines 1 through 21.

Page 21, line 36, after "sheriff" insert **"(or the police chief of a consolidated city)"**.

Page 22, delete lines 12 through 42.

Delete pages 23 through 24.

Page 25, delete lines 1 through 9.

Page 25, line 17, after "sheriff" insert **"(or the police chief of a consolidated city)"**.

Page 25, line 25, after "sheriff" insert **"(or the police chief of a consolidated city)"**.

Page 26, line 1, after "sheriff" insert **"(or the police chief of a consolidated city)"**.

Page 27, delete lines 38 through 42.

Delete pages 28 through 29.

Page 30, delete lines 1 through 3.

Page 31, delete lines 31 through 42.

Page 32, delete lines 1 through 4.

Renumber all SECTIONS consecutively.

(Reference is to ESB 367 as reprinted February 26, 2002.)

LONG	HERRELL
ALEXA	NOE
Senate Conferees	House Conferees

The conference committee report was filed and read a first time.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Mr. Speaker: Pursuant to Joint Rule 20, your Committee on Rules and Legislative Procedures, to which was referred Engrossed House Bill 1208 because it conflicts with SEA 57-2002 without properly recognizing the existence of SEA 57-2002, has had Engrossed House Bill 1208 under consideration and begs leave to report back to the House with the recommendation that Engrossed House Bill 1208 be corrected as follows:

Page 1, delete lines 1 through 17, begin a new paragraph and insert:

"SECTION 1. IC 34-6-2-103, AS AMENDED BY SEA 57-2002, SECTION 89, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 103. (a) "Person", for purposes of IC 34-14, has the meaning set forth in IC 34-14-1-13.

(b) "Person", for purposes of IC 34-24-4, means:

- (1) an individual;
- (2) a governmental entity;
- (3) a corporation;

- (4) a firm;
- (5) a trust;
- (6) a partnership; or
- (7) an incorporated or unincorporated association that exists under or is authorized by the laws of this state, another state, or a foreign country.

(c) "Person", for purposes of IC 34-26-2, includes individuals at least eighteen (18) years of age and emancipated minors.

(d) "Person", for purposes of IC 34-26-4, has the meaning set forth in IC 35-41-1-22.

(e) "Person", for purposes of IC 34-30-5, means any of the following:

- (1) An individual.
- (2) A corporation.
- (3) A partnership.
- (4) An unincorporated association.
- (5) The state (as defined in IC 34-6-2-140).
- (6) A political subdivision (as defined in IC 34-6-2-110).
- (7) Any other entity recognized by law.

(f) "Person", for purposes of IC 34-30-6, means an individual, a corporation, a limited liability company, a partnership, an unincorporated association, or a governmental entity that:

- (1) has qualifications or experience in:
 - (A) storing, transporting, or handling a hazardous substance or compressed gas;
 - (B) fighting fires;
 - (C) emergency rescue; or
 - (D) first aid care; or
- (2) is otherwise qualified to provide assistance appropriate to remedy or contribute to the remedy of the emergency.

(g) "Person", for purposes of IC 34-30-18, includes:

- (1) an individual;
- (2) an incorporated or unincorporated organization or association;
- (3) the state of Indiana;
- (4) a political subdivision (as defined in IC 36-1-2-13);
- (5) an agency of the state or a political subdivision; or
- (6) a group of such persons acting in concert.

(h) "Person", for purposes of sections 42, 43, 69, and 95 of this chapter, means an individual, an incorporated or unincorporated organization or association, or a group of such persons acting in concert.

(i) "Person" for purposes of IC 34-30-10.5, means the following:

- (1) A political subdivision (as defined in IC 36-1-2-13).
- (2) A volunteer fire department (as defined in IC 36-8-12-2).
- (3) An employee of an entity described in subdivision (1) or (2) who acts within the scope of the employee's responsibilities.
- (4) A volunteer firefighter (as defined in IC 36-8-12-2) who is acting for a volunteer fire department.

(5) After March 31, 2002, a corporation, a limited liability company, a partnership, an unincorporated association, or any other entity recognized by law."

Delete page 2.

Page 3, delete lines 1 through 2.

Page 4, between lines 17 and 18, begin a new paragraph and insert:

"SECTION 3. [EFFECTIVE UPON PASSAGE] (a) **Notwithstanding IC 34-6-2-103, the term "person" for purposes of IC 34-30-10.5, means the following:**

- (1) A political subdivision (as defined in IC 36-1-2-13).**
- (2) A volunteer fire department (as defined in IC 36-8-12-2).**
- (3) An employee of an entity described in subdivision (1) or (2) who acts within the scope of the employee's responsibilities.**
- (4) A volunteer firefighter (as defined in IC 36-8-12-2) who is acting for a volunteer fire department.**
- (5) After March 31, 2002, a corporation, a limited liability company, a partnership, an unincorporated association, or any other entity recognized by law.**

(b) This SECTION expires July 1, 2002."

Renumber all SECTIONS consecutively.

(Reference is to EHB 1208 as printed February 22, 2002.)

MOSES, Chair
MUNSON, R.R.M.
BISCHOFF, Author

Report adopted.

RESOLUTIONS ON FIRST READING

House Concurrent Resolution 53

Representatives Crooks, Oxley, and Stilwell introduced House Concurrent Resolution 53:

A CONCURRENT RESOLUTION congratulating the Jasper High School, Jasper, Indiana, boys football team for its victory in the 2001 Indiana High School Athletic Association Class 4A state football championship.

Whereas, The Jasper High School Wildcats are the 2001 Indiana High School Athletic Association Class 4A state football champions;

Whereas, With their 35-20 victory over sixth-ranked Delta, the third-ranked Wildcats brought their first state football championship home to Jasper, Indiana;

Whereas, There are only nine schools in the state with more appearances at the state finals than the five by Jasper High School;

Whereas, This was not, however, the first state championship for Jasper High School athletes. The Wildcats have recorded seven state titles in their history with six championships in the last seven years;

Whereas, Head coach Jerry Brewer has led his Wildcats to the state finals five times in his career, helping to make him the all-time leader among Indiana coaches with 357 victories;

Whereas, Offensive lineman Alex Hensley was named the 2001 Division 4A Phil N. Eskew Award for Mental Attitude winner;

Whereas, The recipient of the Phil N. Eskew Award for Mental Attitude must excel in mental attitude, scholarship, leadership, and athletic ability in football, and Alex Hensley meets all these requirements;

Whereas, Alex Hensley served as team captain for the Wildcats, was a four-year varsity player, a three-year starter, and was named to the all-Big Eight Conference team;

Whereas, There were several Class 4A records set by Jasper players during the championship game: most PAT Kicks (team)—5; Most Points Scored—24 by Brian Lewis; Most Touchdowns—4 by Brian Lewis; Most PAT Kicks—5 by Justin Mehringer; Most Rushing Yards—211 by Brian Lewis; and Most Rushing Touchdowns—4 by Brian Lewis; and

Whereas, Exceptional athletic accomplishment deserves special recognition: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:

SECTION 1. That the Indiana General Assembly wishes to congratulate the Jasper High School Wildcats for winning the 2001 Indiana High School Athletic Association Class 4A state football championship and to wish team members continued success in their future endeavors

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to the team members, head coach Jerry Brewer, assistant coaches Tony Ahrens, Geoff Mauck, Brian Balsmeyer, David Hubster, and Joe Shelton, principal Jerald Roberts, assistant principal Dan Scherry, athletic director Dennis Lewis, and the superintendent of the school corporation.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsors: Senators Hume and R. Young.

House Concurrent Resolution 54

Representatives Kruzan and Welch introduced House Concurrent Resolution 54:

A CONCURRENT RESOLUTION memorializing David Arthur Bucove, former director of the Monroe County Public Library, for his dedication and service to the citizens of Monroe County and Indiana.

Whereas, David Bucove passed away unexpectedly on January 2, 2002, at the age of 60;

Whereas, Mr. Bucove was born January 15, 1941, in Wichita, Kansas, to Maurice and Rietta Bucove and was reared in New York City;

Whereas, Mr. Bucove married Susan Wood of Bloomington, Indiana, on June 21, 1975, in Anderson, Indiana, and together they had four children;

Whereas, Mr. Bucove earned a master's degree in library science from Indiana University;

Whereas, As director of the Anderson Public Library from 1969 to 1992, Mr. Bucove helped design the facility when it moved from the Carnegie Library site to the Sears, Roebuck Building;

Whereas, Mr. Bucove's experience in library administration and renovation brought him to Bloomington in the early 1990s when he was hired by the Monroe County Public Library because "He was a fine librarian and knew how to build a library";

Whereas, During Mr. Bucove's tenure as director of the Monroe County Public Library, the organization grew into a \$20 million facility following a major renovation project that was completed in 1997;

Whereas, During his more than three decades of experience in library administration throughout Indiana, Mr. Bucove was known for his warmth and conviction and was highly respected by his peers for his knowledge and leadership;

Whereas, Among Mr. Bucove's contributions was the development of HoosierNet, a nonprofit organization that provides Internet service to businesses, nonprofit organizations, governments, and individuals in the local community;

Whereas, Mr. Bucove, who passionately believed in freedom of speech and the First Amendment and carried a copy of the United States Constitution in his pocket at all times, traveled to Indianapolis year after year during sessions of the Indiana General Assembly to track library issues and participate in the political process;

Whereas, While Mr. Bucove was known for his leadership in the Indiana Library Federation, his many memberships included the Unitarian Universalist Church, Jewish Historical Society, Indiana University Alumni Association, Eastern Indiana Area Library Services Authority, B'nai B'rith Anderson Chapter, Madison County United Way board, East Central Indiana Legal Association board, Urban League, Anderson Rotary Club, Indiana Historical Society, Indiana Genealogical Society, Madison County Historical Society, Monroe County Historical Society, Madison County Visitors Association, HoosierNet, Monroe County United Way, Madison County United Cerebral Palsy Association, Anderson Chamber Orchestra, Playmakers & White River Players, Highland High School Band Boosters, Paramount Heritage Foundation, Sister City Corporation, United Faith Housing, New Center One, Gruenewald Home, and Women's Alternatives;

Whereas, Throughout his life, Mr. Bucove received many awards recognizing his accomplishments and contributions, including the Indiana University Library and Information Science Distinguished Alumni Award, the Elwood Phillips Award, the key to the city of Anderson presented by Mayor J. Mark Lawler, the Outstanding Leadership Award, and the Chief Anderson Award; and

Whereas, Mr. Bucove, who touched the lives of many people and made them better, will be sorely missed by his family, friends, and the citizens of Indiana: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:

SECTION 1. That the Indiana General Assembly wishes to extend its deeply felt sympathy to the family of David Bucove in its time of grief and to express its appreciation for all he did for Indiana and its

citizens.

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to Mr. Bucove's wife Susan, his four children Beth, Rachel, Christina, and Andre, his brother Arnold, and his six grandchildren.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsor: Senator Simpson.

House Concurrent Resolution 55

Representatives Tincher, Kersey, Gregg, Crosby, and Grubb introduced House Concurrent Resolution 55:

A CONCURRENT RESOLUTION congratulating the Terre Haute South Vigo High School girls basketball team on its victory in the Indiana High School Athletic Association's Class 4A basketball state finals.

Whereas, The Terre Haute South Vigo High School girls basketball team has plenty to celebrate;

Whereas, It is the state Class 4A girls basketball champion, bringing home the first basketball state championship in the school's history;

Whereas, The Lady Braves became the Class 4A state champion with a 63-42 victory over South Bend Riley at Conseco Fieldhouse in Indianapolis;

Whereas, An additional honor was bestowed on the Lady Braves when senior Darci Rector was named the Patricia L. Roy Mental Attitude Award winner;

Whereas, Darci Rector shines in the classroom as well as on the basketball court, ranking 10th in her class of 360 students and maintaining a 3.95 grade point average;

Whereas, Senior Reicina Russell set three girls state finals records with 14 field goals, 31 points, and seven blocked shots and tied the state finals rebound record with 15; and

Whereas, Through hard work and dedication, the Lady Braves have reached the pinnacle of success on the basketball court: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:

SECTION 1. That the Indiana General Assembly wishes to congratulate Terre Haute South Vigo High School on the occasion of its victory in the Class 4A girls basketball state championship and to wish the school and team continued to success in their future endeavors.

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to the members of the Terre Haute South Vigo High School girls basketball team, head coach Alan Maroska, the trainers and manager, principal Jim Freese, and the superintendent of the Vigo County School Corporation.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsors: Senators Blade, Bray, and Waterman.

House Concurrent Resolution 56

Representatives Weinzapfel, Avery, Hasler, Becker, and Stilwell introduced House Concurrent Resolution 56:

A CONCURRENT RESOLUTION honoring Richard W. Schmidt upon his retirement for his many years of unselfish service to the citizens of Southern Indiana as the vice president for business affairs and treasurer of the University of Southern Indiana.

Whereas, Richard W. Schmidt received an undergraduate degree in accounting and a master's degree in business from Ball State University;

Whereas, After serving as assistant bursar at Ball State University and as an auditor in the U. S. Air Force, Richard W. Schmidt came to the Southern Indiana campus of Indiana State University in 1972 as chief accountant;

Whereas, Richard W. Schmidt subsequently served as controller and assistant vice president for business affairs until 1993 when he was appointed vice president for business affairs and treasurer;

Whereas, In 1985, the campus changed from a regional campus to a separate state university known as the University of Southern Indiana, which now serves over 9,300 students with a comprehensive range of associate, baccalaureate, and master's degree programs;

Whereas, The University of Southern Indiana sets an example for all universities in its service to its community, the region, and the state by sharing faculty resources, providing educational outreach programs, and using careful stewardship of Indiana's resources and in the manner its faculty and staff serve students through its many instructional programs;

Whereas, In recognition of his exemplary service to the University of Southern Indiana, in May, 2001, Richard W. Schmidt was presented the Special Recognition Award by the university's alumni association;

Whereas, Through his many activities and roles in addition to his duties at the University of Southern Indiana, Richard W. Schmidt has unselfishly given leadership to numerous organizations, among them the Raintree Girl Scout Council, Evansville Association for the Blind, Community Foundation Alliance, Posey County Community Foundation, St. Mary's Medical Center Advisory Board, Downtown Evansville, Inc., and Southern Indiana Higher Education, Inc.;

Whereas, Richard W. Schmidt has touched the lives of thousands of people throughout his career, and each life has been improved through association with Mr. Schmidt; and

Whereas, After 30 years of service to the University of Southern Indiana, Richard W. Schmidt will retire as executive vice president on June 30, 2002: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:

SECTION 1. That the Indiana General Assembly wishes to recognize the contributions Richard W. Schmidt has made to the University of Southern Indiana and the Evansville community and to thank him for his dedication to the state of Indiana and its citizens.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to Richard W. Schmidt and his family and to the board of trustees of the University of Southern Indiana.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsors: Senators Server and L. Lutz.

House Resolution 53

Representative Stevenson introduced House Resolution 53:

A HOUSE RESOLUTION memorializing Raymond A. Cruz.

Whereas, Raymond A. Cruz passed away on February 14, 2002, at the age of 52;

Whereas, Raymond A. Cruz is survived by his wife Carolyn, son Shawn, daughters Mandy (Matt) Kistler and Sabrina Stevenson-Cruz, a granddaughter Emma, his parents Jesus and Margarita Cruz, brothers Edward and William, and sister Elizabeth;

Whereas, Raymond A. Cruz was employed at Inland Steel Company for 30 years where he worked as a caster operator at the #2BOF/CC department;

Whereas, Raymond A. Cruz was a Vietnam veteran, life member of the Merrillville Veterans of Foreign Wars, and active in the V.V.A.;

Whereas, In addition to his work at Inland Steel Company, Raymond A. Cruz enjoyed painting and often gave his paintings to friends or donated them to help others;

Whereas, Raymond A. Cruz began painting when he was eight years old and continued throughout his life; and

Whereas, Raymond A. Cruz was a generous person who touched the lives of many people and who will be greatly missed by his

family, friends, and everyone who knew him: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That the Indiana House of Representatives wishes to express its heartfelt sympathy for the family of Raymond A. Cruz during this time of grief.

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to his wife Carolyn Cruz, son Shawn Cruz, and two daughters Mandy (Matt) Kistler and Sabrina Stevenson-Cruz.

The resolution was read a first time and adopted by voice vote.

Senate Concurrent Resolution 70

The Speaker handed down Senate Concurrent Resolution 70, sponsored by Representative Bischoff:

A CONCURRENT RESOLUTION to congratulate the Bruce Miller Oil Company on the 50th Anniversary of its founding.

Whereas, The Bruce Miller Oil Company was started by Bruce Miller Sr. on April 1, 1952, with only one small Shell gasoline station on George Street in Aurora;

Whereas, Despite the company's humble beginnings and the challenges faced by small business everywhere, the company remains to this day a healthy and thriving business; and

Whereas, Even though Bruce Miller Sr. passed away nearly twenty years ago, the Bruce Miller Oil Company, owned by Marcella Miller and sons, Steve Miller and Bruce Miller, Jr., has continued to be family owned and operated for nearly 50 years: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana, the House of Representatives concurring:

SECTION 1. That the Indiana General Assembly, on behalf of the People of the State of Indiana, does hereby congratulate the Bruce Miller Oil Company on the 50th Anniversary of its founding.

SECTION 2. That the Secretary of the Senate is hereby directed to transmit a copy of this resolution to Marcella Miller, Steve Miller and Bruce Miller, Jr.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution.

Senate Concurrent Resolution 71

The Speaker handed down Senate Concurrent Resolution 71, sponsored by Representative Bischoff:

A CONCURRENT RESOLUTION to celebrate the bicentennial anniversary of the founding of the City of Lawrenceburg.

Whereas, The City of Lawrenceburg was founded in 1802 by Samuel C. Vance, an aide to General Anthony Wayne, and named in honor of his wife, whose maiden name was Lawrence;

Whereas, In the year following its organization, Lawrenceburg became the county seat of Dearborn County, Indiana's third oldest county, and has served in that capacity ever since;

Whereas, Lawrenceburg, once known as "Whiskey City" due to the many distilleries operating in town, is currently a small but thriving community of over 4,000 Hoosiers, and is still home to one of the world's largest distillers of spirits;

Whereas, The City plans to celebrate its bicentennial with numerous special events throughout the spring and summer of 2002; and

Whereas, The Indiana General Assembly would like to join the justly proud residents of Lawrenceburg in celebrating the 200th Birthday of their city: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana, the House of Representatives concurring:

SECTION 1. That the Indiana General Assembly, on behalf of the

People of the State of Indiana, does hereby join the People of Lawrenceburg in the celebration of that City's bicentennial anniversary.

SECTION 2. That the Secretary of the Senate is hereby directed to transmit a copy of this resolution to the Mayor of Lawrenceburg and to each member of the city council.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution.

RULES SUSPENSION

COMMITTEE REPORT

Mr. Speaker: Your Committee on Rules and Legislative Procedures has had under consideration House Rule 160.2 and recommends that said rule be suspended for the Second Regular Session of the 112th General Assembly so that the following conference committee reports may be placed before the House for action: Engrossed House Bills 1119-1 and 1297-1 and Engrossed Senate Bills 17-1, 270-1, and 402-1.

MOSES, Chair

Report adopted.

HOUSE MOTION

Mr. Speaker: I move that House Rule 160.2 be suspended for the Second Regular Session of the 112th General Assembly so that the following conference committee reports may be placed before the House for action: Engrossed House Bills 1119-1 and 1297-1 and Engrossed Senate Bills 17-1, 270-1, and 402-1.

MOSES

Motion prevailed.

MOTIONS TO DISSENT FROM SENATE AMENDMENTS

HOUSE MOTION

Mr. Speaker: I move that the House dissent from the Senate amendments to Engrossed House Bill 1360 and that the Speaker appoint a committee to confer with a like committee from the Senate and report back to the House.

MOSES

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that the House dissent from the Senate amendments to Engrossed House Bill 1214 and that the Speaker appoint a committee to confer with a like committee from the Senate and report back to the House.

BUDAK

Motion prevailed.

MOTIONS TO CONCUR IN SENATE AMENDMENTS

HOUSE MOTION

Mr. Speaker: I move that the House concur in the Senate amendments to Engrossed House Bill 1124.

MURPHY

Roll Call 354: yeas 90, nays 0. Motion prevailed.

Representative Dillon was present.

HOUSE MOTION

Mr. Speaker: I move that the House concur in the Senate amendments to Engrossed House Bill 1158.

HASLER

Roll Call 355: yeas 80, nays 18. Motion prevailed.

CONFEREES AND ADVISORS APPOINTED

The Speaker announced the appointment of Representatives to conference committees on the following Engrossed House Bills (the Representative listed first is the Chair):

EHB 1214 Conferees: Summers and Budak
Advisor: Crawford

EHB 1360 Conferees: Moses and Turner
Advisors: Grubb and Richardson

The Speaker announced the appointment of Representatives to conference committees on the following Engrossed Senate Bills:

ESB 315 Conferees: Sturtz and Foley
Advisors: Kuzman, Weinzapfel, and Bosma

The Speaker announced the following changes in appointment of Representatives as conferees and advisors:

EHB 1001 Advisor: Behning

ESB 19 Conferees: Crawford replacing Bauer

ESB 259 Advisors: Reske and Thompson

CONFERENCE COMMITTEE REPORTS

CONFERENCE COMMITTEE REPORT

EHB 1298-1; filed March 13, 2002, at 10:18 a.m.

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed Senate Amendments to Engrossed House Bill 1298 respectfully reports that said two committee have conferred and agreed as follows to wit:

that the House recede from its dissent from all Senate amendments and that the House now concur in all Senate amendments to the bill and that the bill be further amended as follows:

Page 2, line 11, delete "(b)," and insert "**(b)(1) through b(4),**".

Page 2, line 14, after "child" insert "**with that licensee**".

Page 2, line 19, after "(as defined in IC 25-1-9-3.5)" insert "**if the foster child is less than sixteen (16) years of age**".

(Reference is to EHB 1298 as printed February 22, 2002.)

V. SMITH

LONG

DILLON

LANANE

House Conferees

Senate Conferees

The conference committee report was filed and read a first time.

CONFERENCE COMMITTEE REPORT

ESB 318-1; filed March 13, 2002, at 10:24 a.m.

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed House Amendments to Engrossed Senate Bill 318 respectfully reports that said two committee have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Page 1, line 1, delete "P.L.120-1999," and insert "SEA 357-2002, SECTION 2,".

Page 1, line 2, delete "SECTION 1,".

Page 2, line 8, delete "state board of tax commissioners".

Page 2, line 9, reset in roman "department of local government finance,".

Page 2, line 38, after "of" strike "the" and insert "**its**".

Page 5, delete lines 35 through 42.

Delete page 6.

Page 7, delete lines 1 through 20.

Page 12, delete lines 14 through 42.

Page 13, delete lines 1 through 28.

Page 18, line 6, delete "section" and insert "SECTION".

Renumber all SECTIONS consecutively.

(Reference is to ESB 318 as reprinted February 27, 2002.)

SKILLMAN	KLINKER
S. SMITH	POND
Senate Conferees	House Conferees

The conference committee report was filed and read a first time.

CONFERENCE COMMITTEE REPORT
ESB 152-1; filed March 13, 2002, at 10:25 a.m.

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed House Amendments to Engrossed Senate Bill 152 respectfully reports that said two committee have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Page 6, delete lines 31 through 42.

Delete page 7.

(Reference is to ESB 152 as printed February 22, 2002.)

WHEELER	STILWELL
HUME	BORROR
Senate Conferees	House Conferees

The conference committee report was filed and read a first time.

The House recessed until the fall of the gavel.

RECESS

The House reconvened at 1:50 p.m. with the Speaker in the Chair.

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the President Pro Tempore of the Senate has appointed the following Senators a conference committee to confer on Engrossed House Bill 1214:

Conferees: C. Lawson and Antich

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the President Pro Tempore of the Senate has appointed the following Senators a conference committee to confer on Engrossed House Bill 1360:

Conferees: R. Meeks and Simpson
Advisors: Johnson and Blade

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has not concurred in House amendments to Engrossed Senate Bill 25 and the President Pro Tempore has appointed the following Senators a conference committee to meet and confer with a like committee of the House on said bill, and to report thereon:

Conferees: Paul, Chair; and Craycraft

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has not concurred in House amendments to Engrossed Senate Bill 429 and the President Pro Tempore has appointed the following Senators a conference committee to meet and confer with a like committee of the House on said bill, and to report thereon:

Conferees: Borst, Chair; and Simpson

MARY C. MENDEL
Principal Secretary of the Senate

CONFERENCE COMMITTEE REPORTS

CONFERENCE COMMITTEE REPORT

ESB 239-1; filed March 13, 2002, at 12:49 p.m.

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed House Amendments to Engrossed Senate Bill 239 respectfully reports that said two committee have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Page 2, line 11, delete ", pipeline company, or utility company;" and insert "; or".

Page 2, delete lines 12 through 17.

Page 2, line 18, delete "(viii)" and insert "(vi)".

Page 2, line 24, delete "common carrier pipeline or".

(Reference is to ESB 239 as printed February 22, 2002.)

JACKMAN	FRENZ
HUME	MUNSON
Senate Conferees	House Conferees

The conference committee report was filed and read a first time.

CONFERENCE COMMITTEE REPORT

ESB 249-1; filed March 13, 2002, at 12:51 p.m.

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed House Amendments to Engrossed Senate Bill 249 respectfully reports that said two committee have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Page 1, delete lines 1 through 12.

Page 2, line 40, delete "(1)" and insert "(A)".

Page 2, line 42, delete "(2)" and insert "(B)".

Page 3, line 9, delete "(1)" and insert "(A)".

Page 3, line 11, delete "(2)" and insert "(B)".

Page 3, line 12, delete "(3)" and insert "(C)".

Page 3, delete lines 19 through 22.

Renumber all SECTIONS consecutively.

(Reference is to ESB 249 as reprinted February 26, 2002.)

ALTING	HASLER
LANANE	SAUNDERS
Senate Conferees	House Conferees

The conference committee report was filed and read a first time.

RESOLUTIONS ON FIRST READING

House Concurrent Resolution 57

Representative Grubb introduced House Concurrent Resolution 57:

A CONCURRENT RESOLUTION congratulating North Vermillion High School, Cayuga, Indiana, on its victory in the Indiana High School Athletic Association's Class A girls basketball state championship.

Whereas, The North Vermillion High School Falcons topped off a 25-1 season by winning the Indiana High School Athletic Association's Class A girls basketball state championship with a 45-42 victory over Hebron;

Whereas, The victory was the first state championship in any sport for the North Vermillion Falcons and the first girls basketball championship for a Wabash River Conference school;

Whereas, The Falcons had four team members voted to the All Wabash River Conference team;

Whereas, This was an unbelievable season for the Falcons, who were 7-0 in the Wabash River Conference and 25-1 overall with a 24 game winning streak; and

Whereas, In addition to prowess on the basketball court, the girls also excel in the classroom with a team GPA of 3.757 on a 4.0 scale: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:

SECTION 1. That the Indiana General Assembly wishes to congratulate North Vermillion High School on winning the Class A girls basketball state championship and to wish team members well in all their future endeavors.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to team members Ashley Hughes, Allison Hughes, Kayla Hinkle, Sherri Norman, Abby Gibson, Rachel West, Annie Morgan, Jennifer Puckett, Sara Cook, Lindsay Varner, Sara Sheridan, and Bree Swartz; head coach Ken Gentrup; assistant coaches Dave Erwin and Candice Downey; managers Krista Farthing, Karen Wisken, and Omeika Dowers; principal Oren A. Sutherlin; assistant principal Tom Barth; athletic director Jim Puckett; and superintendent of schools Paul Roads.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsor: Senator Blade.

House Resolution 56

Representative Weinzapfel introduced House Resolution 56:

A HOUSE RESOLUTION urging the legislative council to assign to the environmental quality service council the study topics of creation of an environmental financial assistance authority and assessment of the environmental infrastructure needs in Indiana.

Whereas, The wastewater revolving loan program, the drinking water revolving loan program, and the supplemental drinking water and wastewater assistance fund and program are valuable programs used to address environmental infrastructure needs in Indiana;

Whereas, The department of environmental management, the budget agency, and the state board of finance are all currently involved in administering the wastewater revolving loan program, the drinking water revolving loan program, and the supplemental drinking water and wastewater assistance fund and program;

Whereas, There are possibly billions of dollars in unmet infrastructure needs in Indiana;

Whereas, The wastewater revolving loan program, the drinking water revolving loan program, and the supplemental drinking water and wastewater assistance fund and program may be operated more efficiently by a single environmental financial assistance authority; and

Whereas, Study is required to determine if the creation of a single environmental assistance authority is preferable to the current system, to assess Indiana's infrastructure needs, and to suggest ways to better fund those needs: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That the legislative council is urged to assign to the environmental quality service council the following topics:

- (1) Studying the feasibility of establishing a single environmental financial assistance authority to administer the wastewater revolving loan program, the drinking water revolving loan program, and the supplemental drinking water and wastewater assistance fund and program.
- (2) Assessing and quantifying wastewater, drinking water, storm water control, combined sewer overflow, and nonpoint source infrastructure needs in Indiana.
- (3) Identifying funding mechanisms and recommending other methods of providing additional financing that may be used to address the unmet environmental infrastructure needs in Indiana.

The resolution was read a first time and adopted by voice vote.

House Resolution 57

Representative Denbo introduced House Resolution 57:

A HOUSE RESOLUTION honoring Geneva Street.

Whereas, Geneva Street is truly a wonderful human being who places the welfare of others above herself;

Whereas, Geneva Street is a dedicated volunteer who is always helping others;

Whereas, In her efforts to improve the lives of those around her and to build a better community, Geneva Street is a fine example for the young people of Indiana to emulate; and

Whereas, The efforts of Geneva Street have truly benefitted her friends and neighbors and have improved the quality of life throughout her community: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That the Indiana House of Representatives wishes to recognize Geneva Street for her many contributions to her community and to her state.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to Geneva Street.

The resolution was read a first time and adopted by voice vote.

House Resolution 58

Representative V. Smith introduced House Resolution 58:

A HOUSE RESOLUTION recognizing the presentation of the Republic of Korea War Service Medal to Korean War veterans.

Whereas, On May 13, 2000, the Republic of Korea Defense Minister announced that his government would provide the Republic of Korea War Service Medal (ROKWSM) to eligible United States Korean War veterans;

Whereas, The United States Air Force will have the responsibility of receiving and distributing these medals;

Whereas, The ROKWSM is being issued to "pay tribute to the Korean War veterans for their historic endeavors to preserve the freedom of the Republic of Korea and the free world";

Whereas, The ROKWSM was originally offered by the Republic of Korea in 1951 to the United Nations forces who were serving in Korea at that time;

Whereas, In 1951, United States law prohibited United States military personnel from wearing medals issued by foreign nations;

Whereas, In 1954, Congress changed that law, but by that time most of the eligible servicemen and servicewomen had returned home;

Whereas, Approximately 1.8 million United States veterans or their next of kin are eligible to receive the medal; and

Whereas, It is proper that courage and valor in the face of an enemy should be recognized for the shining lights they truly are: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That the Indiana House of Representatives wishes to recognize the Korean War veterans who are eligible to receive the Republic of Korea War Service Medal.

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to Dwight Holliday, Professor of Education, Indiana University Northwest.

The resolution was read a first time and adopted by voice vote.

MOTIONS TO CONCUR IN SENATE AMENDMENTS

HOUSE MOTION

Mr. Speaker: I move that the House concur in the Senate amendments to Engrossed House Bill 1081.

KERSEY

Roll Call 356: yeas 88, nays 0. Motion prevailed.

The Speaker yielded the gavel to Representative Leuck.

HOUSE MOTION

Mr. Speaker: I move that the House concur in the Senate amendments to Engrossed House Bill 1104.

AYRES

Roll Call 357: yeas 95, nays 0. Motion prevailed.

Representative Leuck yielded the gavel to the Speaker. The Speaker yielded the gavel to Representative Mock.

HOUSE MOTION

Mr. Speaker: I move that the House concur in the Senate amendments to Engrossed House Bill 1223.

T. ADAMS

Roll Call 358: yeas 95, nays 0. Motion prevailed.

Representative Mock yielded the gavel to the Speaker. The Speaker yielded the gavel to Representative Bodiker.

HOUSE MOTION

Mr. Speaker: I move that the House concur in the Senate amendments to Engrossed House Bill 1263.

PORTER

Roll Call 359: yeas 94, nays 0. Motion prevailed.

Representative Bodiker yielded the gavel to the Speaker. The Speaker yielded the gavel to Representative Herndon.

HOUSE MOTION

Mr. Speaker: I move that the House concur in the Senate amendments to Engrossed House Bill 1300.

DILLON

Roll Call 360: yeas 92, nays 0. Motion prevailed.

Representative Herndon yielded the gavel to the Speaker. The Speaker yielded the gavel to Representative Dvorak.

HOUSE MOTION

Mr. Speaker: I move that the House concur in the Senate amendments to Engrossed House Bill 1347.

ALDERMAN

Roll Call 361: yeas 90, nays 0. Motion prevailed.

Representative Dvorak yielded the gavel to the Speaker. The Speaker yielded the gavel to Representative Munson.

HOUSE MOTION

Mr. Speaker: I move that the House concur in the Senate amendments to Engrossed House Bill 1355.

BAUER

Roll Call 362: yeas 92, nays 0. Motion prevailed.

Representative Munson yielded the gavel to the Speaker. The Speaker yielded the gavel to Representative Kruzan, who made brief remarks.

Representative Kruzan yielded the gavel to the Speaker. The Speaker yielded the gavel to Representative Steele.

HOUSE MOTION

Mr. Speaker: I move that the House concur in the Senate amendments to Engrossed House Joint Resolution 9.

FRENZ

Roll Call 363: yeas 92, nays 0. Motion prevailed.

Representative Steele yielded the gavel to the Speaker. The Speaker yielded the gavel to Representative Cook.

HOUSE MOTION

Mr. Speaker: I move that the House concur in the Senate amendments to Engrossed House Bill 1306.

WOLKINS

Roll Call 364: yeas 84, nays 6. Motion prevailed.

Representative Cook yielded the gavel to the Speaker.

MOTIONS TO DISSENT FROM SENATE AMENDMENTS

The Speaker yielded the gavel to Representative Dillon.

HOUSE MOTION

Mr. Speaker: I move that the House dissent from the Senate amendments to Engrossed House Bill 1257 and that the Speaker appoint a committee to confer with a like committee from the Senate and report back to the House.

CRAWFORD

Motion prevailed.

Representative Dillon yielded the gavel to the Speaker.

CONFERENCE COMMITTEE REPORTS

CONFERENCE COMMITTEE REPORT

ESB 292-1; filed March 13, 2002, at 2:34 p.m.

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed House Amendments to Engrossed Senate Bill 292 respectfully reports that said two committee have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Page 2, delete lines 3 through 37.

Page 3, line 37, delete "talent" and insert "**talented**".

Renumber all SECTIONS consecutively.

(Reference is to ESB 292 as reprinted February 22, 2002.)

LUBBERS

PORTER

ROGERS

HOFFMAN

Senate Conferees

House Conferees

The conference committee report was filed and read a first time.

CONFERENCE COMMITTEE REPORT

ESB 277-1; filed March 13, 2002, at 2:36 p.m.

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed House Amendments to Engrossed Senate Bill 277 respectfully reports that said two committee have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Page 1, delete lines 1 through 17.

Delete pages 2 through 3.

Page 4, delete line 1.

Page 4, delete lines 12 through 42.

Page 5, delete lines 1 through 12.

Page 5, delete lines 34 through 42.

Delete page 6.

Renumber all SECTIONS consecutively.

(Reference is to ESB 277 as reprinted February 26, 2002.)

JOHNSON

CROOKS

BLADE

RIPLEY

Senate Conferees

House Conferees

The conference committee report was filed and read a first time.

CONFERENCE COMMITTEE REPORT

ESB 344-1; filed March 13, 2002, at 3:01 p.m.

Mr. Speaker: Your Conference Committee appointed to confer

with a like committee from the Senate upon Engrossed House Amendments to Engrossed Senate Bill 344 respectfully reports that said two committee have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Page 1, line 4, delete "Executive" and insert "**Legislative**".

Page 1, line 5, delete "executive" and insert "**legislative**".

Page 1, line 13, delete "and the governor".

Page 2, line 11, delete "the governor." and insert "**as directed by its chairman.**".

Page 2, line 14, delete "thirteen (13)" and insert "**nineteen (19)**".

Page 2, line 20, delete "two (2)" and insert "**one (1)**".

Page 2, line 23, delete "Two (2)" and insert "**Four (4)**".

Page 2, line 26, delete "Two (2)" and insert "**Four (4)**".

Page 2, between lines 28 and 29, begin a new line block indented and insert:

"(5) The secretary of family and social services or the secretary's designee who shall be a Hispanic or Latino employee of the office of the secretary of family and social services.

(6) The commissioner of the state department of health or the commissioner's designee who shall be a Hispanic or Latino employee of the state department of health.

(7) The state superintendent of public instruction or the superintendent's designee who shall be a Hispanic or Latino employee of the state department of education.

(8) The commissioner of the department of correction or the commissioner's designee who shall be a Hispanic or Latino employee of the department of correction.

(9) The director of the civil rights commission or the director's designee who shall be a Hispanic or Latino employee of the civil rights commission.

(10) The director of the department of commerce or the director's designee who shall be a Hispanic or Latino employee of the department of commerce.

(11) A Hispanic or Latino business person, appointed by the governor."

Page 2, delete lines 29 through 30.

Page 2, line 32, delete "senate," and insert "**senate and**".

Page 2, line 32, delete "representatives," and insert "**representatives**".

Page 2, line 33, delete "and the governor".

Page 2, line 35, delete "governor" and insert "**chairman of the legislative council**".

Page 2, line 35, after "a" insert "**legislative**".

Page 2, line 36, delete "chairperson." and insert "**chairman. Whenever there is a new chairman of the legislative council, the new chairman may remove the chairman of the commission and appoint another chairman.**".

Page 3, delete lines 3 through 7, begin a new paragraph and insert: "**Sec 4. The commission shall operate under the rules of the legislative council.**".

Page 3, line 8, delete "Sec. 4. (a) The department of workforce development" and insert "**Sec. 5. (a) The legislative services agency**".

Page 3, line 11, delete "department of workforce development." and insert "**legislative services agency or the legislative council.**".

Page 3, delete lines 12 through 33, begin a new paragraph and insert:

"Sec. 6. Each member of the commission is entitled to receive the same per diem, mileage, and travel allowances paid to individuals who serve as legislative and lay members, respectively, of interim study committees established by the legislative council.

(Reference is to ESB 344 as printed February 22, 2002.)

WYSS

AGUILERA

ALEXA

BORROR

Senate Conferees

House Conferees

The conference committee report was filed and read a first time.

CONFERENCE COMMITTEE REPORT

ESB 276-1; filed March 13, 2002, at 3:02 p.m.

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed House Amendments to Engrossed Senate Bill 276 respectfully reports that said two committee have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Page 1, delete lines 1 through 17.

Delete pages 2 through 10.

Page 11, delete lines 1 through 18.

Page 16, delete lines 22 through 26.

Renumber all SECTIONS consecutively.

(Reference is to ESB 276 as reprinted February 26, 2002.)

JOHNSON

CROOKS

CRAYCRAFT

RIPLEY

Senate Conferees

House Conferees

The conference committee report was filed and read a first time.

CONFERENCE COMMITTEE REPORT

ESB 259-1; filed March 13, 2002, at 3:25 p.m.

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed House Amendments to Engrossed Senate Bill 259 respectfully reports that said two committee have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Page 2, line 14, delete "42 USC 7412" and insert "**42 U.S.C. 7412**".

Page 2, line 14, delete "42 USC 7429" and insert "**42 U.S.C. 7429**".

Page 2, line 20, before "However," begin a new paragraph and insert:

"(d) The board may amend 326 IAC 2-6 or adopt new rules to establish a general requirement for sources to report hazardous air pollutant emissions (as defined by 42 U.S.C. 7412(b))."

Page 2, line 20, after "rules" insert "**amended or**".

Page 2, line 20, after "board" insert "**under this subsection**".

Page 2, line 26, delete "address" and insert "**help assess**".

Page 2, line 36, delete "before December 1, 2002:" and insert "**at the time the environmental quality service council submits its final report in 2002 as directed by the legislative council:**".

Page 3, line 16, delete "The" and insert "**Based on available information, the**".

Page 3, delete lines 34 through 42.

Delete pages 4 through 5.

Page 6, delete lines 1 through 3.

Renumber all SECTIONS consecutively.

(Reference is to ESB 259 as reprinted February 26, 2002.)

GARD

WEINZAPFEL

HUME

WOLKINS

Senate Conferees

House Conferees

The conference committee report was filed and read a first time.

The House recessed until the fall of the gavel.

RECESS

The House reconvened at 4:25 p.m. with the Speaker in the Chair.

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has concurred in the House amendments to Engrossed Senate Bills 227 and 481.

MARY C. MENDEL

Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has adopted the Conference Committee Reports on Engrossed House Bills 1161-1 and 1297-1.

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has adopted the Conference Committee Reports on Engrossed Senate Bills 17-1, 22-1, 99-1, 100-1, 102-1, 248-1, 270-1, 343-1, 399-1, 402-1, 417-1, 461-1, 509-1, and 528-1.

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed House Concurrent Resolutions 50, 51, 52, 53, 54, 55, 56, and 57 and the same are herewith returned to the House.

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Senate Concurrent Resolution 76 and the same is herewith transmitted to the House for further action.

MARY C. MENDEL
Principal Secretary of the Senate

MOTIONS TO CONCUR IN SENATE AMENDMENTS

HOUSE MOTION

Mr. Speaker: I move that the House concur in the Senate amendments to Engrossed House Bill 1230.

WHETSTONE

Roll Call 365: yeas 49, nays 44. Motion failed for lack of a constitutional majority.

Representative Dumezich was excused for the rest of the day.

ACTION ON GUBERNATORIAL VETOES

House Enrolled Act 1083

MESSAGE FROM THE GOVERNOR

Mr. Speaker and Members of the House: House Enrolled Act 1083 provides that the Access to Public Records Act applies to the legislative branch of state government "only to the extent expressly set out in law or in the Rules [of the House and Senate]..." Since its enactment in 1983, the public records act has applied to any office, instrumentality, or authority that exercises any part of the "legislative power of the state."

In 1971, when I began serving in the General Assembly, committee hearings were not routinely open to the public. Committee votes frequently were not recorded. Motions to amend bills on the floor were made with no advance notice or public filing.

Over the last thirty years, the General Assembly has made tremendous strides in opening up the legislative process. Now, through the legislature's web site, citizens can access bills, committee reports, fiscal impact statements, floor amendments, roll call votes, committee and floor calendars, and much more. The legislature passed a bill this session authorizing internet coverage of its proceedings. The General Assembly deserves our praise and thanks for taking these steps toward more open and accessible government.

I do not agree with those who suggest that House Enrolled Act 1083 would lead to the legislature closing down all manner of public records that are now open. The central issue remains how to classify records that contain communications between legislators and

members of the public.

Regrettably, it appears that House Enrolled Act 1083 was passed, at least in part, as a reaction to a media request for all e-mails (regardless of content or relevance) sent or received by certain legislators over a two-week period. It is not surprising that some legislators viewed this request as needlessly invasive. These are not ideal conditions for making sound public policy.

The final version of House Bill 1083 received one public committee hearing, and that hearing offered little meaningful opportunity for the public to be heard because the crucial committee amendment was not publicly disclosed before the hearing.

I believe an open government is essential to a free society. That is why I, as a state senator, along with Senator Ed Pease, sponsored the public records act in 1983. The legislature's records should be open to the public, with a few carefully crafted exceptions. Although the legislature, as a separate branch of government, clearly has the power to exempt itself from the public records act and address these issues in its rules, this is not a step that should be taken hastily or without careful deliberation and meaningful opportunity for public comment. It is easier to change or suspend legislative rules than to amend or repeal a statute.

The debate over this legislation has raised many legitimate and difficult questions. Should a personal letter or e-mail from an individual constituent be treated differently than a letter or e-mail from a lobbyist or corporation? Should there be an exception for those records where disclosure would constitute a clearly unwarranted invasion of personal privacy? Should there be an exception in the public records act for records declared confidential by legislative rule, as there is with the judicial branch? Although there is a constitutional right to petition the legislature, does it follow that there is a right to do so in secret under all circumstances? How should the public records act be updated to take account of today's technology? These and other issues need to be considered in greater depth.

In 1993, the Indiana Supreme Court held, based on separation of powers, that the courts could not compel the legislature to produce documents if it would interfere with the legislature's internal operations. House Enrolled Act 1083 may therefore be unnecessary to the extent that the legislature cannot, under current law, be compelled to produce documents.

The main issue presented by House Enrolled Act 1083 is whether the General Assembly should expressly exempt itself from the public records act that is has successfully operated under for the last 18 years. Symbolically, and perhaps substantively, this would be a step backwards. I do not believe this is a step that should be taken without careful reflection and opportunity for public participation.

I hereby veto House Enrolled Act 1083 and return it to the House of Representatives for further action.

FRANK O'BANNON
Governor

The Speaker handed down House Enrolled Act 1083, passed by the First Regular Session of the 112th General Assembly.

AN ACT to amend the Indiana Code concerning state and local administration.

The merits of House Enrolled Act 1083 and the governor's veto were debated. The question was, Shall House Enrolled Act 1083 pass, the Governor's veto notwithstanding?

Roll Call 366: yeas 29, nays 68. The Governor's veto was sustained.

Representatives Saunders and Scholer were excused.

House Enrolled Act 1207

MESSAGE FROM THE GOVERNOR

Mr. Speaker and Members of the House: House Enrolled Act 1207 requires the Department of Correction to test all individuals committed after June 30, 2001, for hepatitis C and the human

immunodeficiency virus (HIV). The Act also requires a confirmatory test if a screening test indicates the presence of HIV.

The estimated cost of these new tests is \$375,000 per year. The budget bill enacted by the General Assembly cut the administration's budget request for the Department of Correction by approximately \$60 million. The Department of Correction cannot absorb the additional costs mandated by this legislation.

I am therefore vetoing House Enrolled Act 1207 and returning it to the House of Representatives for further action.

FRANK O'BANNON
Governor

The Speaker handed down House Enrolled Act 1207, passed by the First Regular Session of the 112th General Assembly.

AN ACT to amend the Indiana Code concerning corrections.

The merits of House Enrolled Act 1207 and the governor's veto were debated. The question was, Shall House Enrolled Act 1207 pass, the Governor's veto notwithstanding?

Roll Call 367: yeas 83, nays 11. The Governor's veto was overridden.

House Enrolled Act 1908

MESSAGE FROM THE GOVERNOR

Mr. Speaker and Members of the House: House Enrolled Act 1908 adds two new members to the board of trustees of the Northern Indiana Commuter Transportation District. It provides that one new member must be appointed by the governor from a list of names submitted by the labor unions representing the employees of the district. The other new member must be selected from passengers who have submitted a letter of interest during a specified time period.

These are unconstitutional restrictions on the governor's executive power. The legislature may not constitutionally require the governor to make executive branch appointments from lists submitted by private organizations.

I hereby veto House Enrolled Act 1908 and return it to the House of Representatives for further action.

FRANK O'BANNON
Governor

The Speaker handed down House Enrolled Act 1908, passed by the First Regular Session of the 112th General Assembly.

AN ACT to amend the Indiana Code concerning transportation.

The merits of House Enrolled Act 1908 and the governor's veto were debated. The question was, Shall House Enrolled Act 1908 pass, the Governor's veto notwithstanding?

Roll Call 368: yeas 89, nays 4. The Governor's veto was overridden.

Representative Saunders was present.

House Enrolled Act 2001

MESSAGE FROM THE GOVERNOR

Mr. Speaker and Members of the House: House Enrolled Act 2001 would establish an ombudsman bureau to handle complaints about actions taken by the Department of Correction. The former ombudsman office within the Department of Correction was eliminated after the correction code revision in the early 1980's. The ombudsman functions are now handled by the Grievance Review Manager's office personnel who are designated by the Commissioner to manage the offender grievance process and hear appeals from adverse rulings.

The offender grievance process involves five stages. During the first stage the offender submits a written statement outlining the grievance and the relief sought. This goes to a grievance specialist at the facility who examines the statement to make sure the matter is an issue subject to the grievance process (for example, a complaint about the temperature in the cell is subject to the grievance

procedure, but a complaint about the weather is not a proper subject and would be returned to the offender). The grievance specialist investigates the grievance (stage 2) and tries to resolve the issue. If the issue cannot be resolved to the offender's satisfaction, the offender may appeal to a grievance committee for relief (stage 3). Stage 4 is an appeal from the committee decision to the Superintendent of the facility. Finally the offender may appeal from the Superintendent's decision to the Grievance Review Manager in the central office. About 34,000 complaints (step 1) were initiated last year in the adult facilities, with 588 complaints reaching step 5.

In addition to the offender grievance process, other procedures to handle complaints were developed as a part of the correction code reform, including Internal Affairs to handle misconduct investigations, Offender Relations Manager to handle complaints from offenders, families and friends, the Conduct Adjustment Boards to hear disciplinary cases, and the Department of Health which has the duty to investigate all complaints about medical services.

The Internal Affairs Division of the department has 29 full time and 20 part time investigators in the field, and 3 full time investigators working from the central office. Internal Affairs handles complaints of offender and staff misconduct. Last year there were 115 cases in the juvenile facilities that were investigated, and 2,455 cases in the adult facilities. The results of those investigations range from no evidence to support the misconduct allegation to referral of the case to the prosecuting attorney for criminal charges. The state furnishes a deputy prosecutor to each county with a major correctional facility to prosecute staff and inmate misconduct cases.

After the correction code revision was completed, the Department of Health was assigned the task of investigating all complaints about medical treatment. A written report of the results of the investigation of each complaint filed by an inmate investigated by Department of Health investigators is issued.

Complaints may also be submitted to the Offender Relations Manager in the central office. Last year that office received over 900 phone calls and over 1,200 pieces of mail from offenders, family members, and other interested parties. In addition, a large number of complaints were submitted by e-mail. The Offender Relations Manager and staff address each complaint, which range from conditions of confinement (food, showers, heat, water quality, cell mate) to lack of medical care or harassment.

A separate system exists for handling disciplinary actions. They are handled by a Conduct Adjustment Board convened to hear a particular case. A board consists of from 1 to 3 Department of Correction staff (other than custody staff) such as a counselor. When a disciplinary action is taken against an inmate (failure to go to a job, cursing a guard, refusal to obey an order, being in an unauthorized place) the offender may accept the punishment (for example, confined to cell for 5 days, loss of commissary privileges for a week, loss of credit time) or appeal to a Conduct Adjustment Board (CAB). The CAB hears the case and issues a decision. That decision may be appealed to the Superintendent of the facility and then to the Commissioner of corrections. There were about 20,000 appeals to a CAB last year. About 25% resulted in a not guilty finding at the board level. About 5,000 appeals were filed with the Commissioner.

There are multiple processes in place staffed by a large number of persons to investigate and resolve complaints by inmates, family members and Department of Correction staff. A completely new system would create a redundancy that the state does not need, and one that the state can ill afford.

I hereby veto House Enrolled Act 2001 and return it to the House of Representatives for further action.

FRANK O'BANNON
Governor

The Speaker handed down House Enrolled Act 2001, passed by the First Regular Session of the 112th General Assembly.

AN ACT to amend the Indiana Code concerning corrections.

The merits of House Enrolled Act 2001 and the governor's veto were debated. The question was, Shall House Enrolled Act 2001

pass, the Governor's veto notwithstanding?

Roll Call 369: yeas 81, nays 13. The Governor's veto was overridden.

Representative Scholer was present.

Senate Enrolled Act 337

MESSAGE FROM THE GOVERNOR

Mr. President and Members of the Senate: Senate Enrolled Act 337 requires the Indiana Department of Transportation (INDOT) to perform detailed aeronautical studies in certain situations involving construction near an airport or planned expansions of an existing public use airport or heliport. It allows certain plans that do not have approval of the Federal Aviation Administration to be submitted to INDOT for review and evaluation. INDOT does not have sufficient staff expertise in this area. It is my hope that this defect in the bill can be remedied by a new bill during the next legislative session, as the questionable provision was not scheduled to take effect until January 1, 2002 in any event.

I hereby veto Senate Enrolled Act 337 and return it to the Senate for further action.

FRANK O'BANNON
Governor

The Speaker handed down Senate Enrolled Act 337, passed by the First Regular Session of the 112th General Assembly. The Senate had informed the House of its override of the Governor's veto.

AN ACT to amend the Indiana Code concerning transportation.

The merits of Senate Enrolled Act 337 and the governor's veto were debated. The question was, Shall Senate Enrolled Act 337 pass, the Governor's veto notwithstanding?

Roll Call 370: yeas 10, nays 84. The Governor's veto was sustained.

Senate Enrolled Act 373

MESSAGE FROM THE GOVERNOR

Mr. President and Members of the Senate: Senate Enrolled Act 373 would establish an ombudsman bureau to handle complaints about actions taken by the Department of Correction. The former ombudsman office within the Department of Correction was eliminated after the correction code revision in the early 1980's. The ombudsman functions are now handled by the Grievance Review Manager's office personnel who are designated by the Commissioner to manage the offender grievance process and hear appeals from adverse rulings.

The offender grievance process involves five stages. During the first stage the offender submits a written statement outlining the grievance and the relief sought. This goes to a grievance specialist at the facility who examines the statement to make sure the matter is an issue subject to the grievance process (for example, a complaint about the temperature in the cell is subject to the grievance procedure, but a complaint about the weather is not a proper subject and would be returned to the offender). The grievance specialist investigates the grievance (stage 2) and tries to resolve the issue. If the issue cannot be resolved to the offender's satisfaction, the offender may appeal to a grievance committee for relief (stage 3). Stage 4 is an appeal from the committee decision to the Superintendent of the facility. Finally the offender may appeal from the Superintendent's decision to the Grievance Review Manager in the central office. About 34,000 complaints (step 1) were initiated last year in the adult facilities, with 588 complaints reaching step 5.

In addition to the offender grievance process, other procedures to handle complaints were developed as a part of the correction code reform, including Internal Affairs to handle misconduct investigations, Offender Relations Manager to handle complaints from offenders, families and friends, the Conduct Adjustment Boards to hear disciplinary cases, and the Department of Health which has the duty to investigate all complaints about medical services.

The Internal Affairs Division of the department has 29 full time and 20 part time investigators in the field, and 3 full time investigators working from the central office. Internal Affairs handles complaints of offender and staff misconduct. Last year there were 115 cases in the juvenile facilities that were investigated, and 2,455 cases in the adult facilities. The results of those investigations range from no evidence to support the misconduct allegation to referral of the case to the prosecuting attorney for criminal charges. The state furnishes a deputy prosecutor to each county with a major correctional facility to prosecute staff and inmate misconduct cases.

After the correction code revision was completed, the Department of Health was assigned the task of investigating all complaints about medical treatment. A written report of the results of the investigation of each complaint filed by an inmate investigated by Department of Health investigators is issued.

Complaints may also be submitted to the Offender Relations Manager in the central office. Last year that office received over 900 phone calls and over 1,200 pieces of mail from offenders, family members, and other interested parties. In addition, a large number of complaints were submitted by e-mail. The Offender Relations Manager and staff address each complaint, which range from conditions of confinement (food, showers, heat, water quality, cell mate) to lack of medical care or harassment.

A separate system exists for handling disciplinary actions. They are handled by a Conduct Adjustment Board convened to hear a particular case. A board consists of from 1 to 3 Department of Correction staff (other than custody staff) such as a counselor. When a disciplinary action is taken against an inmate (failure to go to a job, cursing a guard, refusal to obey an order, being in an unauthorized place) the offender may accept the punishment (for example, confined to cell for 5 days, loss of commissary privileges for a week, loss of credit time) or appeal to a Conduct Adjustment Board (CAB). The CAB hears the case and issues a decision. That decision may be appealed to the Superintendent of the facility and then to the Commissioner of corrections. There were about 20,000 appeals to a CAB last year. About 25% resulted in a not guilty finding at the board level. About 5,000 appeals were filed with the Commissioner.

There are multiple processes in place staffed by a large number of persons to investigate and resolve complaints by inmates, family members and Department of Correction staff. A completely new system would create a redundancy that the state does not need, and one that the state can ill afford.

Senate Enrolled Act 373 also changes the role of the Board of Correction. The changes would have the effect of converting the citizen volunteer board's role from policy review to a management role. The change would force the board to meet nearly full time and virtually supplant the role of the Commissioner of correction. Indiana does not need and cannot afford a full time seven-member board to absorb the role of a Commissioner of correction.

I hereby veto Senate Enrolled Act 373 and return it to the Senate for further action.

FRANK O'BANNON
Governor

The Speaker handed down Senate Enrolled Act 373, passed by the First Regular Session of the 112th General Assembly. The Senate had informed the House of its override of the Governor's veto.

AN ACT to amend the Indiana Code concerning corrections and to make an appropriation.

The merits of Senate Enrolled Act 373 and the governor's veto were debated. The question was, Shall Senate Enrolled Act 373 pass, the Governor's veto notwithstanding?

Roll Call 371: yeas 78, nays 14. The Governor's veto was overridden.

RESOLUTIONS ON FIRST READING

House Concurrent Resolution 58

Representatives Duncan and Bischoff introduced House

Concurrent Resolution 58:

A CONCURRENT RESOLUTION honoring the city of Batesville upon its Sesquicentennial "A Century and a Half" in 2002.

Whereas, On October 15, 1852, Dutch immigrant Teunis Amack sold 120 acres of land in Laughery Township to the John Callahan Trust Company;

Whereas, The city plat was laid out in 45 lots, recorded at Versailles on November 8, 1852, and named after Joshua Bates, an engineer, surveyor, and member of the Trust Company;

Whereas, The railroad was completed through the center of the Amack property, and the first train travelled through Batesville on Halloween of 1853;

Whereas, From 1859 to 1860, Henry Boehringer bought lumber and began erecting homes and commercial buildings financed by Herman Schrader;

Whereas, Between 1867 and 1892 the extensive stands of hardwood timber in the Batesville area were utilized by at least nine furniture, coffin, and novelty factories;

Whereas, Batesville was incorporated in November of 1882, and the first fire department was organized in 1887;

Whereas, Robertson Smith laid out Hillcrest Golf Course north of the city in 1912, and Mr. and Mrs. George M. Hillenbrand donated Liberty Park to the city of Batesville in 1920 to include a World War One Memorial;

Whereas, In 1922 the Memorial Building was financed by monies from Batesville citizens as a World War One Memorial, and, in the same year, State Highway 46 was routed through the city;

Whereas, George M. Hillenbrand sold his business interests to his son, John A., and son-in-law, A. W. Romwebber, in 1930 to create Hillenbrand Industries and the Romweber Company, and Margaret Mary Hospital was dedicated in 1932, financed through gifts from Margaret Hillenbrand and her daughter, Mary Mitchell;

Whereas, The Batesville Memorial Pool was dedicated as a tribute to the veterans of World War Two in 1947, and Batesville celebrated "A Century of Progress", its Centennial, in 1952;

Whereas, Interstate I-74 opened between New Point and Batesville in 1963, and an Urban Renewal Program revitalized the downtown area between 1966 and 1974;

Whereas, In 1974, the Batesville Memorial Public Library was dedicated, built through a bequest from the John A. Hillenbrand Foundation;

Whereas, Batesville began a second downtown revitalization project in 2001; and

Whereas, The City of Batesville celebrates its Sesquicentennial "A Century and a Half" in 2002, and it is a City that maintains a rich history while constantly revitalizing itself for the future: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:

SECTION 1. That the Indiana General Assembly honor the city of Batesville upon its Sesquicentennial "A Century and a Half" in 2002.

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to the Mayor of Batesville.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsors: Senators Jackman and Nugent.

House Concurrent Resolution 59

Representative Hasler introduced House Concurrent Resolution 59:

A CONCURRENT RESOLUTION urging the Congress of the United States to adopt legislation requiring the Medicare program to cover all oral anti-cancer drugs.

Whereas, Cancer is disproportionately a disease of the elderly, with more than half of all cancer diagnoses occurring in persons age

65 or older;

Whereas, These patients are dependent on the federal Medicare program for funding for the provision of cancer care;

Whereas, Treatment with anti-cancer drugs is the cornerstone of modern cancer care, and elderly cancer patients must have access to potentially life extending drug therapy;

Whereas, The Medicare program's coverage of drugs is limited to injectable drugs or oral drugs that have an injectable version;

Whereas, The nation's investment in biomedical research has begun to bear fruit with a compelling array of new oral anti-cancer drugs that are less toxic, more effective, and more cost effective than existing therapies;

Whereas, Because such drugs do not have an injectable equivalent, they are not covered by Medicare;

Whereas, Noncoverage of these important new products leaves many Medicare beneficiaries confronting the choice of either substantial out-of-pocket personal costs or selection of more toxic, less effective treatments that are covered by the Medicare program;

Whereas, Medicare's failure to cover oral anti-cancer drugs leaves at risk many beneficiaries suffering from blood related cancers such as leukemia, lymphoma, and myeloma, as well as cancers of the breast, lungs, and prostate; and

Whereas, Certain members of the United State Congress have recognized the necessity of Medicare coverage for all oral anti-cancer drugs and introduced legislation in the 107th Congress to achieve that result (H.R. 1624; S. 913): Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:

SECTION 1. That the Indiana General Assembly respectfully urges the Congress of the United States to adopt legislation requiring the Medicare program to cover all oral anti-cancer drugs.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to the President of the United States, the members of the United States Congress, the Secretary of Health and Human Services, and the administrator of the Centers for Medicare and Medicaid Services.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsor: Senator Wyss.

House Resolution 54

Representative Avery introduced House Resolution 54:

A HOUSE RESOLUTION urging the bureau of motor vehicles to issue a Lincoln themed license plate in 2009.

Whereas, In 2009, the nation will celebrate the 200th anniversary of the birth of Abraham Lincoln;

Whereas, Abraham Lincoln has many ties to the state of Indiana;

Whereas, The issuance of an "Indiana—Lincoln's Boyhood Home" license plate would serve as a daily reminder of the great debt we owe to the man who saved the Union;

Whereas, The issuance of a Lincoln themed license plate could also be used to help Indiana celebrate the sesquicentennial of the Civil War in 2011-2015 and, in 2016, the bicentennial of the admittance of Indiana into the Union; and

Whereas, The issuance of a Lincoln themed license plate is a fitting remembrance of a man recognized as one of the greatest presidents ever: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That the Indiana General Assembly wishes to urge the commissioner of the bureau of motor vehicles to issue a Lincoln themed license plate in 2009 in honor of the 200th anniversary of the birth of Abraham Lincoln.

SECTION 2. That copies of this resolution be transmitted by the Secretary of the Senate to the commissioner of the bureau of motor

vehicles and to Darrel E. Bigham, member of the Abraham Lincoln Bicentennial Commission.

The resolution was read a first time and adopted by voice vote.

House Resolution 55

Representatives Crosby, Scholer, Becker, and C. Brown introduced House Resolution 55:

A HOUSE RESOLUTION urging the legislative council to assign to the Indiana commission on mental health the study of psychiatric advance directives.

Whereas, At some time in the future, some Hoosiers may need mental health treatment and may be found incompetent to make the necessary decisions;

Whereas, Individuals who are concerned that they might be subject to involuntary psychiatric commitment or treatment in the future can prepare a legal document in advance to express choices about psychiatric treatment;

Whereas, This document is called an advance directive for mental health decision making;

Whereas, Advance directives empower individuals to make their treatment preferences known;

Whereas, An advance directive will improve communication between patients and their physicians, can prevent clashes with healthcare professionals over treatment, and may prevent forced treatment; and

Whereas, Having an advance directive may shorten hospital stays: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That the Indiana house of representatives urges the legislative council to assign to the Indiana commission on mental health the study of psychiatric advance directives.

The resolution was read a first time and adopted by voice vote.

House Resolution 59

Representatives Becker, C. Brown, Budak, Crosby, Welch, and Hasler introduced House Resolution 59:

A HOUSE RESOLUTION to urge the Congress of the United States to adopt legislation requiring the Medicare program to cover all oral anti-cancer drugs.

Whereas, Cancer is a leading cause of morbidity and mortality in the State of Indiana and throughout the Nation;

Whereas, Cancer is disproportionately a disease of the elderly, with more than half of all cancer diagnoses occurring in persons age 65 or older, who are thus dependent on the federal Medicare program for provision of cancer care;

Whereas, Treatment with anti-cancer drugs is the cornerstone of modern cancer care, elderly cancer patients must have access to potentially life-extending drug therapy, but the Medicare program's coverage of drugs is limited to injectable drugs or oral drugs that have an injectable version;

Whereas, The Nation's investment in biomedical research has begun to bear fruit with a compelling array of new oral anti-cancer drugs that are less toxic, more effective and more cost-effective than existing therapies, but, because such drugs do not have an injectable equivalent, they are not covered by Medicare;

Whereas, Non-coverage of these important new products leaves many Medicare beneficiaries confronting the choice of either substantial out-of-pocket personal costs or selection of more toxic, less effective treatments that are covered by the program;

Whereas, Medicare's failure to cover oral anti-cancer drugs leaves at risk many beneficiaries suffering from blood-related cancers like leukemia, lymphoma and myeloma, as well as cancers of the breast, lung and prostate;

Whereas, Certain Members of the United States Congress have recognized the necessity of Medicare coverage for all oral

anti-cancer drugs and introduced legislation in the 107th Congress to achieve that result (H.R. 1624; S 913): Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That the Legislature of the State of Indiana respectfully urges the Congress of the United States of America to adopt legislation requiring the Medicare program to cover all oral anti-cancer drugs .

SECTION 2. That copies of this resolution be transmitted to the President of the United States, Members of the United States Congress, the Secretary of Health and Human Services and the Administrator of the Centers for Medicare and Medicaid Services.

The resolution was read a first time and adopted by voice vote.

House Resolution 60

Representatives Goodin and Grubb introduced House Resolution 60:

A HOUSE RESOLUTION urging the Congress of the United States to investigate and take action regarding unfair price differentials in the cost of agricultural inputs with respect to the American farmers' foreign competition.

Whereas, Soybeans are a staple food crop, which is essential to the United States and the global food supply;

Whereas, The United States market for soybeans is estimated to have been \$17.7 billion in 1998;

Whereas, The United States Department of Agriculture reported that Indiana farmers exported \$543.4 million in soybeans and soybean products during fiscal year 2000, ranking fourth among the states;

Whereas, The United States General Accounting Office released a report in January 2000 detailing disparities in cost of inputs to produce soybeans between American farmers and some of their South American competitors;

Whereas, The General Accounting Office's report revealed that these cost disparities are due in part to discriminatory pricing practices of suppliers who provide seed and other agricultural inputs to South American farmers at costs significantly below those charged to American farmers;

Whereas, The General Accounting Office's report suggested that United States patent law and other intellectual property laws may provide incentives to suppliers of agricultural inputs to discriminate against the American farmer in pricing these inputs;

Whereas, United States patent law and other intellectual property law have led some suppliers of agricultural inputs to impose on American farmers contract provisions prohibiting American farmers from using once traditional cost saving farming practices such as saving seed, a practice that the suppliers of agricultural inputs are unable or unwilling to enforce against the foreign competitors of American farmers;

Whereas, The pricing practices of suppliers of agricultural inputs could be extended to agricultural products other than soybeans;

Whereas, This disparate increase of the costs of agricultural inputs places the American farmer at a severe disadvantage in competition with foreign farmers; and

Whereas, American farm policy has impaired the profitability of the American farmer and resulted in decreased competitiveness with foreign agriculture: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That the Congress of the United States should investigate unfair price differentials in the cost of agricultural inputs with respect to American farmers' foreign competition.

SECTION 2. That Congress should take appropriate action to ensure fair foreign competition with American agricultural products, including, if necessary, modifying patent laws and other intellectual property laws of the United States.

SECTION 3. That the government of the United States should

develop and implement a farm policy that provides a safety net for all crop and livestock farmers and ranchers, large and small.

SECTION 4. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to the following:

- (1) The chairman and ranking minority member of the Committee on Agriculture of the United States House of Representatives.
- (2) The chairman and ranking member of the Agriculture, Nutrition, and Forestry Committee of the United States Senate.
- (3) All members of the Indiana congressional delegation.
- (4) The secretary of the United States Department of Agriculture.

The resolution was read a first time and adopted by voice vote.

House Resolution 61

Representatives Herrell and Atterholt introduced House Resolution 61:

A HOUSE RESOLUTION urging the Legislative Council to assign to the Environmental Quality Service Council, the Regulatory Flexibility Committee, or another appropriate interim study committee the task of reviewing incentives to encourage energy efficiency and conservation measures by using "smart metering" technology.

Whereas, Innovative new technologies, such as "smart metering" devices installed on utility meters, exist to encourage conservation of energy and water;

Whereas, Smart meters are real-time metering devices that allow consumers and businesses to better manage their energy and water consumption;

Whereas, State and local governmental entities, utilities, multi-tenant housing, mobile home parks, commercial buildings, and other utility users can experience reductions in energy and water consumption after installing "smart metering" devices;

Whereas, Studies have shown that consumption decreases 20% to 30% when residents in multi-family buildings are metered, compared with those who are not metered;

Whereas, Significant energy and water cost savings, reduced operating costs, environmental and natural resource protection, preservation of existing infrastructure, and other benefits result from using meters that encourage conservation; and

Whereas, There is a need in Indiana to reduce energy consumption and encourage energy efficiency and conservation: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That the Indiana House of Representatives urges the Legislative Council to assign to the Environmental Quality Service Council, the Regulatory Flexibility Committee, or another appropriate interim study committee the task of reviewing incentives to encourage energy efficiency and conservation measures by using "smart metering" technology.

The resolution was read a first time and adopted by voice vote.

House Resolution 62

Representative Crosby introduced House Resolution 62:

A HOUSE RESOLUTION urging the legislative council to assign to the mental health commission the topic of guardianship services.

Whereas, In 1994, guardianship services were developed to assist Central State Hospital patients who were being released into the community;

Whereas, Between 1996 and 2001, referrals for guardianship services increased by over 42%, creating a significant waiting period before services could be received;

Whereas, Twelve persons died as they waited for guardianship services;

Whereas, Forty-three percent of current Indiana nursing facility

residents have a diagnosed mental illness and approximately 50% of those require guardianship services; and

Whereas, The fiscal strain on the Medicaid budget will create an even greater need for guardianship services: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That the legislative council is urged to assign to the mental health commission the topic of guardianship services and to require the commission to report to the General Assembly on its findings by November 2002.

SECTION 2. That the commission, if assigned the topic, shall issue a final report when directed to do so by the legislative council.

The resolution was read a first time and adopted by voice vote.

House Resolution 63

Representatives Ayres, Cheney, Kuzman, Budak, C. Brown, and Stevenson introduced House Resolution 63:

A HOUSE RESOLUTION urging the Indiana Department of Environmental Management to continue to study the E. coli contamination of Lake Michigan, find the sources, and establish a plan of remediation.

Whereas, Twenty-five times in the summer of 2001 the Indiana Dunes were closed to swimmers because of E. coli contamination in Lake Michigan;

Whereas, The eleven beaches were closed twenty-six times in 2000 and twenty times in 1999;

Whereas, The Indiana Department of Environmental Management has monitored these areas of pollution for years but has so far not located the sources;

Whereas, Lake Michigan is the primary water source for many of the communities on the southern tip of Lake Michigan and is vital to the health of Indiana's citizens;

Whereas, It is vital to tourism and business that Lake Michigan be available for all purposes, including recreation;

Whereas, It is necessary to continue to monitor this pollution;

Whereas, It is further vital to find the sources of the E. coli and establish a plan of remediation: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. The House of Representatives urges the Indiana Department of Environmental Management to continue to monitor the E. coli contamination in Lake Michigan, to study and find the sources of the contamination, and to establish a plan of remediation to allow full use of Lake Michigan as a vital Indiana resource.

SECTION 2. The Principal Clerk of the House of Representatives is directed to transmit a copy of this resolution to Commissioner of the Indiana Department of Environmental Management.

The resolution was read a first time and adopted by voice vote.

House Resolution 64

Representative Espich introduced House Resolution 64:

A HOUSE RESOLUTION urging the legislative council to establish an interim study committee to study ISTEP testing issues.

Whereas, ISTEP testing has been a significant accountability tool for Indiana public schools for over a decade; and

Whereas, ISTEP testing procedures, costs, frequency, and results should be reviewed to ensure effectiveness and accountability in our public schools. Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That the legislative council is urged:

- (1) to establish an interim study committee to study all ISTEP testing procedures, including but not limited to, costs to the State, frequency of testing, grade levels of testing, reporting and timing of results, and timing of the testing; and

(2) to include on the committee representatives of the Indiana House of Representatives, the Indiana Department of Education, elementary and secondary teachers, school superintendents, and parent groups.

SECTION 2. That the committee, if established, shall operate under the direction of the legislative council and that the committee shall issue a final report when directed to do so by the legislative council.

The resolution was read a first time and adopted by voice vote.

House Resolution 66

Representative Kuzman introduced House Resolution 66:

A HOUSE RESOLUTION by the town of Lowell, Indiana, urging President Bush to impose a 40% tariff on imported steel.

Whereas, The United States steel industry has been severely harmed by a record surge of steel imports since 1998;

Whereas, This surge in imports has resulted in the loss of more than 27,000 steelworker jobs and is the cause of 30 steel company bankruptcies;

Whereas, The import surge has also forced the United States steel industry to reduced volume, lower prices, and financial losses;

Whereas, On October 22, 2001, the International Trade Commission (ITC) determined that the domestic steel industry has been severely injured by the import surge;

Whereas, The United States steel industry has massive retiree health care liabilities that total \$13 billion and cost the steel industry almost \$1 billion annually;

Whereas, These health care liabilities pose a significant barrier to steel industry consolidation and rationalization that could improve the financial condition of the industry and reduce the impact of foreign imports;

Whereas, Steel company bankruptcies, job losses, and financial losses are contributing to the nation's current economic slowdown and are having serious negative effects on the tax base of cities, counties, and states and on the essential health, education, and municipal services that these governmental entities provide to their citizens; and

Whereas, A strong steel industry is necessary to a healthy economy and to the adequate defense preparedness of the United States: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That the town of Lowell, Indiana, calls on President Bush to impose a tariff of 40 percent on imported steel for a period of four years due to the severity of the damage to the domestic steel industry caused by imported steel. This tariff must cover the full range of products where injury has been found by the ITC. These products include slabs, all flat roll, steel pipe, and tubes, rebar, and other long products.

SECTION 2. That the town of Lowell calls on President Bush to act on these tariffs in an expedited manner to provide essential relief to the domestic steel industry.

SECTION 3. That the town of Lowell calls on the federal government to take immediate action with regard to the removal of the principal barrier to consolidation - retiree health care liabilities - that certain steelmakers have accrued through prior restructuring actions as well as those that will result from future rationalization activities.

SECTION 4. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to President Bush, the Indiana Congressional delegation, and the Lowell town council.

The resolution was read a first time and adopted by voice vote.

House Resolution 67

Representatives Duncan, Summers, Fry, and Alderman introduced House Resolution 67:

A HOUSE RESOLUTION encouraging the Congress of the

United States of America to enact legislation requiring coverage for treatment of pervasive developmental disorders under employee health benefit plans that are regulated under the federal Employee Retirement Income Security Act of 1974 (ERISA).

Whereas, Pervasive developmental disorders, including Asperger's syndrome and autism, are neurological disorders that affect an individual's ability to communicate, understand language, interact, and relate to others;

Whereas, Individuals with a pervasive developmental disorder vary widely in abilities, intelligence, and behaviors;

Whereas, Early diagnosis and treatment is important to the achievement of the maximum functional potential of individuals who have a pervasive developmental disorder;

Whereas, Coverage for the treatment of a pervasive developmental disorder is not provided under most health benefit plans, including employee health benefit plans that are regulated under ERISA, because such plans are exempt from state regulation;

Whereas, The 2001 Indiana General Assembly enacted HEA 1122-2001, requiring coverage for treatment of pervasive developmental disorders under the Indiana state employee health benefit plans, group accident and sickness insurance policies, and health maintenance organization group contracts issued after June 30, 2001;

Whereas, HEA 1122-2001 requires an offer of coverage for treatment of pervasive developmental disorders under individual accident and sickness insurance policies and health maintenance organization individual contracts issued after June 30, 2001; and

Whereas, The members of the Indiana Commission on Autism and the members of the Indiana General Assembly believe that all health benefit plans, including employee health benefit plans that are regulated under ERISA, should provide coverage for treatment of pervasive developmental disorders: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That the Indiana House of Representatives encourages the Congress of the United States of America to enact legislation that requires coverage for treatment of pervasive developmental disorders under employee health benefit plans that are regulated under ERISA.

SECTION 2. That the Principal Clerk of the House of Representatives transmit copies of this resolution to the members of the Indiana congressional delegation and the members of the congressional bipartisan autism caucus.

The resolution was read a first time and adopted by voice vote.

Senate Concurrent Resolution 3

The Speaker handed down Senate Concurrent Resolution 3, sponsored by Representatives GiaQuinta and Grubb:

A CONCURRENT RESOLUTION encouraging the public schools in Indiana to teach the Pledge of Allegiance and to conduct Pledge ceremonies.

Whereas, The events of September 11, 2001, have had a profound effect on life in the United States and in Indiana;

Whereas, One of the ways in which children in Indiana can show their support for the United States of America and counter the effects of the events of September 11, 2001, is by learning about the Pledge of Allegiance and reciting the Pledge; and

Whereas, All public schools in Indiana can assist their students in these efforts by teaching the Pledge of Allegiance and conducting Pledge ceremonies on a regular basis: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana, the House of Representatives concurring:

SECTION 1. That the Indiana General Assembly strongly encourages all public schools in Indiana to teach the Pledge of Allegiance and to conduct Pledge ceremonies on a regular basis.

SECTION 2. That copies of the resolution be transmitted by the

Secretary of the Senate to the state superintendent of public instruction, the state board of education, and the superintendent of every school corporation in Indiana.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution.

Senate Concurrent Resolution 5

The Speaker handed down Senate Concurrent Resolution 5, sponsored by Representatives GiaQuinta and Grubb:

A CONCURRENT RESOLUTION urging the Indianapolis Airport Authority to name the new infield terminal or part of the new complex at the Indianapolis International Airport in honor of H. Weir Cook, a Hoosier World War I and II pilot and aviation pioneer.

Whereas, Lieutenant Colonel H. Weir Cook was a member of Captain Eddie Rickenbacker's famous 94th Aero Squadron and was credited with downing seven enemy planes during World War I;

Whereas, After the war, Cook was one of the first transcontinental airmail pilots;

Whereas, Cook was involved in the development of the first dive bombing sight developed by the United States Army;

Whereas, Cook was part of the group of officers who "lost favor" with the Army during the court-martial of General Billy Mitchell;

Whereas, Cook was the first American Legion National Director of Aviation;

Whereas, Cook was on the Indianapolis Chamber of Commerce Airport Siting Committee, which picked the site for the Indianapolis airport, and he was the airport's first manager;

Whereas, At the first indication that the United States would be involved in another war, Cook went back into the service as an Army inspector for aviation contractors;

Whereas, After December 7, 1941, Cook intensely lobbied for an assignment to the front lines and became the commander of air bases in New Caledonia;

Whereas, Cook died in New Caledonia on March 24, 1943, in an airplane crash while training young pilots for combat;

Whereas, Cook achieved the rank of colonel in the 38th Division of the Indiana Air National Guard;

Whereas, Cook was a prominent figure in the development of aviation in the United States and in Indiana;

Whereas, The Indianapolis International Airport's new infield terminal and complex will greatly benefit and enhance the role of Indianapolis and Indiana in the aviation industry as pioneered by H. Weir Cook; and

Whereas, In recognition of H. Weir Cook's instrumental role in the history of Indiana aviation and especially his role in the early development of the Indianapolis airport, the Indianapolis Airport Authority is urged to name the Indianapolis International Airport's new infield terminal or part of the new complex in honor of H. Weir Cook: Therefore,

*Be it resolved by the Senate
of the General Assembly of the State of Indiana,
the House of Representatives concurring:*

SECTION 1. That the Indiana General Assembly recognizes the contributions of H. Weir Cook on behalf of Indiana and the United States aviation industry and asks the Indianapolis Airport Authority to name the new infield terminal or part of the new complex at the Indianapolis International Airport in honor of H. Weir Cook.

SECTION 2. That copies of the resolution be transmitted by the Secretary of the Senate to the Indianapolis Airport Authority and to the family of H. Weir Cook.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution.

Senate Concurrent Resolution 76

The Speaker handed down Senate Concurrent Resolution 76, sponsored by Representatives Budak and Pelath:

A CONCURRENT RESOLUTION memorializing the LaPorte Herald-Argus Publisher, Clem Otolski, for his commitment to the newspaper and to the LaPorte community.

Whereas, Publisher Clem Otolski passed away on Friday March 8, 2002 of a neuromuscular disease after a 16-month battle;

Whereas, He leaves his wife of 41 years, Pat, and his five children, Greg, Mike, Brian, Steve, Tom, and Shelly;

Whereas, Mr. Otolski started his career with the Herald-Argus on February 1, 1961 as a junior accountant;

Whereas, He immediately had loftier goals;

Whereas, He was promoted to business manager of the Herald-Argus in 1964 and remained at the position until he became the publisher in 1985;

Whereas, Mr. Otolski was only the fifth publisher since the merger of the Daily Herald and the Argus Bulletin in 1924;

Whereas, Len R. Small, president of the parent company of the Herald-Argus said, "Clem was a source of strength and support to the Herald-Argus for his entire working life. His dedication, intelligence and strength of character aided and guided the newspaper through decades of growth and improvement";

Whereas, Otolski was tough when he need to be, but he was never too busy to lend a fatherly ear to an employee with a problem;

Whereas, Herald-Argus Business Manager Bob Rehlander said, "Clem was my mentor and friend who cared for his fellow human being";

Whereas, Clem Otolski was equally concerned with the community as he was with the success of the newspaper;

Whereas, He became one of the first appointees to the LaPorte Redevelopment Commission;

Whereas, He worked on many task forces that focused on improving LaPorte's economic status and image;

Whereas, He served as a board of directors member for the Salvation Army; and

Whereas, Clem Otolski also served as a HOSTS (Helping Other Students to Succeed) mentor at Handley Elementary School from the tutoring program's inception until his illness prevented him from doing so: Therefore,

*Be it resolved by the Senate
of the General Assembly of the State of Indiana,
the House of Representatives concurring:*

SECTION 1. That the General Assembly extend to his devoted wife Pat, his children, Greg, Mike, Brian, Steve, Tom, and Shelly, and his mother, Sophie.

SECTION 2. That the General Assembly take this action to honor and perpetuate the memory of this kind and giving man who was a devoted employee, husband, father, grandfather, dedicated public servant, and tireless civic and community leader.

SECTION 3. That the Secretary of the Senate transmit copies of this resolution of condolence and memorial to his wife, Pat Otolski, sons, Greg Otolski, Mike Otolski, Brian Otolski, Steve Otolski, Tom Otolski, daughter, Shelly Otwinowski, mother, Sophie Otolski, president of the parent company of the Herald-Argus, Len R. Small, and LaPorte Chamber of Commerce President, Todd Dickard.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution.

The House recessed until the fall of the gavel.

RECESS

The House reconvened at 8:45 p.m. with the Speaker in the Chair.

Representatives Behning, T. Brown, and J. Lutz were excused.

CONFERENCE COMMITTEE REPORTS

CONFERENCE COMMITTEE REPORT ESB 508-1; filed March 13, 2002, at 5:25 p.m.

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed House Amendments to Engrossed Senate Bill 508 respectfully reports that said two committee have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Page 8, line 5, delete ":".

Page 8, line 6, delete "(A)".

Page 8, run in lines 5 through 6.

Page 8, line 6, delete "IC 25-31; or" and insert "**IC 25-31**".

Page 8, delete lines 7 through 10.

Page 8, run in lines 6 and 11.

(Reference is to SB 508 as printed February 22, 2002.)

WHEELER	LYTLE
LEWIS	POND
Senate Conferees	House Conferees

The conference committee report was filed and read a first time.

CONFERENCE COMMITTEE REPORT ESB 407-1; filed March 13, 2002, at 5:26 p.m.

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed House Amendments to Engrossed Senate Bill 407 respectfully reports that said two committee have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Page 1, line 16, delete "each school's principal;" and insert "**the person who complained about the quality of air in the school;**".

Page 1, between lines 16 and 17, begin a new line double block indented and insert:

"(B) the school's principal;

(C) the superintendent of the school district, if the school is part of a school district;".

Page 1, line 17, delete "(B)" and insert "**(D)**".

Page 2, line 2, delete "(C)" and insert "**(E)**".

Page 2, line 8, delete "health." and insert "**health, appointed by the commissioner of the state department of health.**".

Page 2, line 9, delete "education." and insert "**education, appointed by the state superintendent of public instruction.**".

Page 2, line 12, delete "representative of the school employee organization (as)" and insert "**teacher licensed under IC 20-6.1-3, appointed by the governor.**".

Page 2, delete lines 13 through 15.

Page 2, between lines 31 and 32, begin a new line block indented and insert:

"(11) An individual with experience in the cleaning and maintenance of commercial facilities, appointed by the governor.

(c) The chairperson of the panel shall be the representative of the state department of health.

(d) The panel shall convene at the discretion of the chairperson."

Page 2, line 32, delete "(c)" and insert "**(e)**".

Page 2, line 34, delete "(d)" and insert "**(f)**".

(Reference is to ESB 407 as reprinted February 26, 2002.)

MILLER	WELCH
CRAYCRAFT	HINKLE
Senate Conferees	House Conferees

The conference committee report was filed and read a first time.

CONFERENCE COMMITTEE REPORT ESB 482-1; filed March 13, 2002, at 5:26 p.m.

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed House Amendments to Engrossed Senate Bill 482 respectfully reports that said two committee have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Page 2, line 25, delete "sixteen (16)" and insert "**fourteen (14)**".

Page 2, line 26, after "desires of" delete "a" and insert "**the**".

(Reference is to ESB 482 as reprinted February 20, 2002.)

BRAY	DVORAK
LANANE	ATTERHOLT
Senate Conferees	House Conferees

The conference committee report was filed and read a first time.

CONFERENCE COMMITTEE REPORT ESB 462-1; filed March 13, 2002, at 8:27 p.m.

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed House Amendments to Engrossed Senate Bill 462 respectfully reports that said two committee have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Page 3, line 1, delete "exemption" and insert "**credit**".

Page 3, line 33, delete "name" and insert "**set forth**".

Page 4, line 17, delete "applicant:" and insert "**applicant intends to:**".

Page 4, line 18, delete "intends to".

Page 4, line 23, delete "retains" and insert "**retain**".

Page 4, line 24, delete "six" and insert "**four**".

Page 4, line 24, delete "(1,600)" and insert "**(1,400)**".

Page 5, line 19, after "chapter." insert "**The amount of the credit equals the amount of the high impact business's property tax liability under IC 6-1.1-2 on inventory located in the county for the year in which the credit is sought.**".

Page 6, line 35, delete "may not" and insert "**must**".

Page 6, line 36, delete "more" and insert "**not less**".

Page 6, line 36, after "(15)" insert "**and not more than thirty (30)**".

Page 7, line 23, after "this" delete "section" and insert "**chapter**".

Page 7, line 34, delete "exemption." and insert "**credit.**".

Page 8, line 13, delete "exemption" and insert "**credit**".

Page 9, line 11, delete "exemption" and insert "**credit**".

Page 10, line 20, after "payable" insert "**after December 31, 2003.**".

Page 10, delete lines 21 through 24.

Renumber all SECTIONS consecutively

(Reference is to ESB 462 as printed February 22, 2002.)

ALTING	KLINKER
LANANE	SCHOLER
Senate Conferees	House Conferees

The conference committee report was filed and read a first time.

MOTIONS TO CONCUR IN SENATE AMENDMENTS

HOUSE MOTION

Mr. Speaker: I move that the House reconsider its actions whereby it dissented from the Senate amendments to Engrossed House Bill 1228 and that the House now concur in the Senate amendments to said bill.

FRENZ

Roll Call 372: yeas 84, nays 0. Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that the House reconsider its actions whereby

it dissented from the Senate amendments to Engrossed House Bill 1043 and that the House now concur in the Senate amendments to said bill.

FRENZ

Roll Call 373: yeas 86, nays 0. Motion prevailed.

Representative J. Lutz was present.

CONFERENCE COMMITTEE REPORTS

Engrossed House Bill 1119-1

The conference committee report was reread. Roll Call 374: yeas 88, nays 0. Report adopted.

Engrossed House Bill 1297-1

The conference committee report was reread. Roll Call 375: yeas 81, nays 2. Report adopted.

Engrossed Senate Bill 17-1

The conference committee report was reread. Roll Call 376: yeas 86, nays 1. Report adopted.

MOTIONS TO CONCUR IN SENATE AMENDMENTS

HOUSE MOTION

Mr. Speaker: I move that the House concur in the Senate amendments to Engrossed House Bill 1027.

KUZMAN

Roll Call 377: yeas 77, nays 14. Motion prevailed.

CONFEREES AND ADVISORS APPOINTED

The Speaker announced the appointment of Representatives to conference committees on the following Engrossed Senate Bills:

ESB 25	Conferees:	GiaQuinta and Buck
	Advisors:	Kruzan and Frizzell

The Speaker announced the following changes in appointment of Representatives as conferees and advisors:

EHB 1317	Conferees:	Liggett, Chair; and Scholer replacing Bauer and Espich
	Advisors:	Bauer and Espich replacing Liggett and Scholer

OTHER BUSINESS ON THE SPEAKER'S TABLE

HOUSE MOTION

Mr. Speaker: I move that when we do adjourn, we adjourn until Thursday, March 14, 2002 at 10:00 a.m.

DOBIS

Motion prevailed.

PETITION TO CHANGE VOTING RECORD

Mr. Speaker: Pursuant to House Rule 75, I hereby petition to change my voting record on the concurrence on Engrossed House Bill 1043, Roll Call 373, on March 13, 2002. In support of this petition, I submit the following reason:

"I was present and near my seat, but when I attempted to vote, the voting machine did not register my vote. I intended to vote yea."

SAUNDERS

There being a constitutional majority voting in favor of the petition, the petition was adopted. *[Journal Clerk's note: this changes the vote tally for Roll Call 373 to 86 yeas, 0 nays. The corrected roll call is printed with this Journal.]*

PETITION TO CHANGE VOTING RECORD

Mr. Speaker: Pursuant to House Rule 75, I hereby petition to change my voting record on the concurrence on Engrossed House Bill 1228, Roll Call 372, on March 13, 2002. In support of this petition, I submit the following reason:

"I was present and near my seat, but when I attempted to vote, the voting machine did not register my vote. I intended to vote yea."

FRIEND

There being a constitutional majority voting in favor of the petition, the petition was adopted. *[Journal Clerk's note: this changes the vote tally for Roll Call 372 to 84 yeas, 0 nays. The corrected roll call is printed with this Journal.]*

PETITION TO CHANGE VOTING RECORD

Mr. Speaker: Pursuant to House Rule 75, I hereby petition to change my voting record on the concurrence on Engrossed House Bill 1300, Roll Call 360, on March 13, 2002. In support of this petition, I submit the following reason:

"I was present and near my seat, but when I attempted to vote, the voting machine did not register my vote. I intended to vote yea."

FRIEND

There being a constitutional majority voting in favor of the petition, the petition was adopted. *[Journal Clerk's note: this changes the vote tally for Roll Call 360 to 92 yeas, 0 nays. The corrected roll call is printed with this Journal.]*

Pursuant to House Rule 60, a meeting of the Committee on Rules and Legislative Procedures was announced and, pursuant to House Rule 156, conference committee meetings were announced.

On the motion of Representative Dobis the House adjourned at 9:05 p.m., this thirteenth day of March, 2002, until Thursday, March 14, 2002, at 10:00 a.m.

JOHN R. GREGG

Speaker of the House of Representatives

LEE ANN SMITH

Principal Clerk of the House of Representatives